

3 February 2016

Ms Eve Anderson
Principal Advisor
Fair Work Commission
GPO Box 1994
Melbourne VIC 3001

By email: eve.anderson@fwc.gov.au
Cc: christine.hibberd@fwc.gov.au

Dear Ms. Anderson,

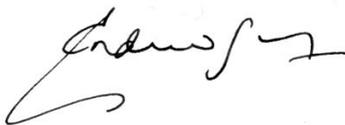
Response to Post Election Report regarding rules difficult to apply/interpret: E2015/219

Thank you for your letter, dated 20 January 2016, regarding the obligations imposed on the Australian Entertainment Industry Association (t/a Live Performance Australia) as a consequence of the AEC's report.

We confirm that in accordance with Section 198 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) the AEIA has provided a written response to the AEC specifying the action our organisation intends to take in response to the AEC's report. We also confirm that a copy of the AEC's report and our response is available on LPA's Member website and was included in the LPA Monthly Newsletter (January 2016), distributed via email to all LPA Members on 29 January 2016.

Please find attached as lodgment with the Fair Work Commission a copy of the AEC's report and our response. We declare that the AEIA will provide a copy of AEC's report and our response to any Member who so requests, and that both are published on the LPA's Member website.

Yours sincerely,



Andrew Kay
LPA President

Enc:
AEC Post Election Report for Australian Entertainment Industry Association Election E2015/219
Letter from AEIA to AEC in response to Post Election Report, dated 15 January 2016



Level 1, 15-17 Queen Street
Melbourne Victoria 3000
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F 61 3 9614 1166
W www.liveperformance.com.au
ABN 43 095 907 857

15 January 2016

Jeff Webb
Returning Officer
Australian Electoral Commission
GPO Box 4382
Melbourne VIC 3000

By email: industrial.elections@aec.gov.au

Dear Mr. Webb,

Response to Post Election Report

I am writing to you in response to the Post Election Report for the Australian Entertainment Industry Association (trading as Live Performance Australia) Election E2015/219, received on 23 December 2015.

LPA acknowledges feedback in the Report in reference to AEIA Rule 17 (h) that suggests the ballot voting period should be extended to be set from a minimum of 10 days to a minimum of 21 days.

We intend to review our internal Executive Council election processes, and will seek to amend our timelines to extend the ballot voting period in the 2017 Election.

The suggested amendments to LPA's Rules made in the Post Election Report will be considered as part of LPA's next scheduled review of the organisation's rules, expected to commence in 2016.

Yours sincerely,

A handwritten signature in black ink, appearing to read "E. Richardson", written over a horizontal line.

Evelyn Richardson
LPA Chief Executive

T (03) 8614 2000
E erichardson@liveperformance.com.au



FairWork
Commission

20 January 2016

Mr Andrew Kay
President
Australian Entertainment Industry Association
Level 1/15-17 Queen Street
MELBOURNE VIC 3000

Dear Mr Kay

**Organisation to respond to post-election report regarding rules difficult to apply/interpret:
E2015/219**

The Australian Electoral Commission has provided the Fair Work Commission with a copy of the post election report (PER) for the Australian Entertainment Industry Association (AEIA) election E2015/219 dated 23 December 2015. The PER identifies rules that were difficult to interpret or apply, in particular rule 17(h), 11(d) and 16(f). This letter serves as a reminder of the obligations imposed on the AEIA as a consequence of the AEC's report. Please ignore this letter if the below-listed actions have been undertaken already.

Section 198 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the AEIA to provide a written response to the AEC within 30 days of receipt of the report (s198). The response must specify whether and what action the organisation or branch intends to take (s198(2)).

Also the AEIA must make available to its members the relevant extract of the AEC report and a copy of the response (s198(3)). The relevant extract is the part of the post-election report which identifies rules that were difficult to interpret or apply.

The copy of the response 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))

The relevant extract must be made available to members no later than the day on which the *response* is made available to members.

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 AEIA will comply if it does all of the following:-

- publish the relevant extract and the copy of the response in the next edition of the AEIA journal that it is reasonably practicable to do so; and

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Melbourne VIC 3000
GPO Box 1994
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Telephone: (03) 8661 7777
Email: orgs@fwc.gov.au
Facsimile: (03) 9655 0410
Internet : www.fwc.gov.au

- within 30 days of giving the response to the AEC:
 - lodge with The Fair Work Commission a copy of the relevant extract and response, together with a declaration that the AEIA will provide a copy to any member who so requests; and
 - give notice in the next edition of the AEIA journal, or an appropriate newspaper that covers the relevant geographic area, that a copy of the relevant extract and response are available on request to each member free of charge; and
- if the AEIA has a web site, publish the relevant extract on the website within 14 days after receiving the post-election report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

As noted above, if the AEIA has undertaken these actions already, please disregard this letter.

Yours sincerely



Eve Anderson

Principal Adviser

Fair Work Commission

Tel: 03 86564683

Email: eve.anderson@fwc.gov.au



15 January 2016

Mr Andrew Kay
President
Australian Entertainment Industry Association
info@liveperformance.com.au

Dear Mr Kay,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Commission a declaration of results for the election [E2015/219]. 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.

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 should be provided for in your organisation's rules.

Also, section 233(2) of the RO Act requires that an organisation must notify the Fair Work Commission (the Commission) within 35 days of any changes to the holders of office in the organisation. If the election has resulted in any changes to the holders of office, the Australian Entertainment Industry Association 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. I have attached a template notification of changes which may assist you. If any change does not apply until a specific date, you don't 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
Regulatory Compliance Branch

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].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 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]:³
 - COMMENCED/CEASED operation:
 1. [include name of each new branch]
 2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to orgs@fwc.gov.au.]

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

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.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Reason for change	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder (for privacy reasons, we recommend NOT a private address)	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Retiring</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>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
...							
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Resignation</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>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
...							

**Australian Entertainment Industry Association
Office Bearers**

Declaration of Results for Contested and 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.

Full Association E2015/219

Total number of names on the roll of voters	388
Ballot papers issued	388
Replacement ballot papers issued	5
Total Ballot Papers Issued	393
Ballot papers / envelopes returned for scrutiny	120
Less ballot papers / envelopes rejected at preliminary scrutiny	2
Total Ballot Papers Admitted to Scrutiny	118
Percentage of ballot papers returned to number issued	30%
Ballot papers returned as unclaimed mail	6
Ballot papers not returned	267

Executive Council Member (15)

<u>Candidates</u>	<u>Votes</u>
BROOKMAN, Torben	7699
CARMICHAEL, Bruce	6482
CASSEL, Michael	7791
COMERFORD, Shaun	3608
COPPEL, Michael	8195
DONNELLY, Sue	6136
EVANS, Richard J	7844
FITZGERALD, Richard	5754
GAUTIER, Douglas	7220
HASSALL, Craig	8432
McGRATH, Shirley	6321
McGREGOR, Tim	6839
McINTYRE, Patrick	7381
McLEAN, Liza	7729
MUNRO, Tim	3344
PILBEAM, Rod	7029
ROTH, Steven	3304
SPENCER, Claire	7115
VINCE, Judy	6516
WITHERS, Louise	7898
Total votes	132637
Formal ballot papers	117
Informal ballot papers	1

I declare Torben Brookman, Bruce Carmichael, Michael Cassel, Michael Coppel, Richard J Evans, Douglas Gautier, Craig Hassall, Shirley McGrath, Tim McGregor, Patrick McIntyre, Liza McLean, Rod Pilbeam, Claire Spencer, Judy Vince and Louise Withers elected.

President

Candidates

KAY, Andrew

I declare Andrew Kay elected.

Vice-President (2)

Candidates

KOTZAS, John

O'CONNOR, Maria

I declare John Kotzas and Maria O'Connor elected



Jeff Webb Returning Officer
Australian Electoral Commission
20 November 2015

Ms Holly Crain
Policy & Strategy Advisor
Australian Entertainment Industry Association
Level 1, 15-17 Queen Street
MELBOURNE VIC 3000

**Post Election Report For: Australian Entertainment Industry Association
Election E2015/219**

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 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.



Jeff Webb
Returning Officer

17 December 2015

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Australian Entertainment Industry Association

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: E2015/2619

RULES

Rules used for the election: [031N: Incorporates alterations of 10 July 2014 [R2014/142] (replaces 6 February 2014 [R2013/58 and R2013/211] version)

Rules difficult to apply/interpret: With the changes to Australia Post Delivery of mail the AEIA may wish to consider changing their rules to allow for additional time for voters nationally to return ballot material. Currently rule 17(h) sets a minimum of 10 days for the opening and closing of the ballot. This rule is also linked to Rules 11(d) & 16(f) which determine the date which the election must be completed by and the close of Roll. The AEC would suggest that the rules are reviewed to ensure a minimum of 21 days from the opening and closing of the ballot and that sufficient time is allowed in the Rules from the close of Roll to the taking of Office at the AGM in accordance with Rule 11(d).

Model Rule reference (if any): N/A

ROLL OF VOTERS

Total number of voters on the Roll: 388
Number of apparent workplace addresses: Not Applicable
Number of non-current addresses: 6
Other matters pertaining to the roll of voters: Nil

IRREGULARITIES

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

ATTACHMENTS - Declaration of results.



Jeff Webb - Returning Officer
17 December 2015



DECISION

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

Australian Entertainment Industry Association (E2015/219)

MR ENRIGHT

MELBOURNE, 27 AUGUST 2015

Arrangement for conduct of election.

[1] On 11 August 2015 the Australian Entertainment Industry Association lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

President (1)
Vice-President (2)
Members of the Executive Council (15)

[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 GENERAL MANAGER

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<Price code A, PR571313>

10 August 2015

General Manager
Fair Work Commission
GPO Box 1994
Melbourne VIC 3001

Dear Sir/Madam,



**Prescribed Information in Respect of Election
Regulation 138(1) of the Fair Work (Registered Organisations) Regulations 2009**

I am writing to request that Fair Work Australia approve the conduct of an election by the Australian Electoral Commission (AEC) in accordance with the attached statement of prescribed information.

Should you require any additional information, Holly Crain, Policy Advisor, can be contacted on (03) 8614 2000.

Yours sincerely,



**Evelyn Richardson
Chief Executive**

Attach.

1. Statement of Prescribed Information

I, Andrew Kay, President, Australian Entertainment Industry Association, make the following statement:

I am President of the Australian Entertainment Industry Association (AEIA) trading as Live Performance Australia.

I am authorised to lodge the following prescribed information concerning the forthcoming elections in the AEIA, and

I confirm that the following information is being lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009



Andrew Kay
President, Australian Entertainment Industry Association

Dated: 10 August 2015

1. The office(s) in respect of which the election is required are:

President	(1)
Vice-President	(2)
Members of the Executive Council	(15)

(In accordance with Rule 11(b) "The Executive Council shall consist of not less than six nor more than eighteen members inclusive of a President and two Vice-Presidents").

2. The reason for which the election is required is the terms of office are due to expire in the normal course of events under the Registered Rules of the AEIA.

3. The electorate for the ballot is the whole membership of the AEIA.

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

Nominations Open	Tuesday 13 October 2015
Nominations Close	Tuesday 27 October 2015 (at 12 noon)

5. The cut off date provided for in the AEIA Rules on which the roll of voters is to be closed is 63 days prior to the Annual General Meeting. As the Annual General Meeting is set to be held on Thursday 26 November, the cut-off date for the roll is Thursday 24 September 2015.

6. The voting system is the direct voting system.

7. There are no non-office positions for which an election is requested.