



21 November 2017

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 Registered Organisations Commission (the ROC) a declaration of results for the election of uncontested and contested offices for [E2017/166]. 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 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. 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].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 operation:
 1. *[include name of each new branch]*
 2. ...
 - CEASED operation:
 1. *[include name of each closed branch]*

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)

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.]*

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	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
<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>						

21 November 2017

Post-election Report

**E2017-166 – Australian Entertainment Industry
Association**

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Election Covered in this Report

Election Decision No: E2017/166

Rules

Rules used for the election: 031N: Incorporates alterations of 10/07/2014 [R2014/142] (replaces 6 February 2014 [R2013/58 and R2013/211]) version)

Rules difficult to apply/interpret: N/A

Module Rule reference (if any) N/A

Roll of Voters

Total number of voters on the Roll: 395
Number of apparent workplace addresses: 395
Number of non-current addresses: 0
Other matters pertaining to the roll of voters: N/A

Irregularities

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

Other irregularities identified, and action taken: None

Other Matters

Attachments

- 1) Declaration of results for Contested and Uncontested Offices

Shane T Lanning
Returning Officer

21 November 2017

**Australian Entertainment Industry Association
Executive Council**

Declaration of Results for Contested 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.

Total number of names on the roll of voters	395
Ballot papers issued	395
Replacement ballot papers issued	3
Total Ballot Papers Issued	398
Ballot papers / envelopes returned for scrutiny	75
Less ballot papers / envelopes rejected at preliminary scrutiny	1
Total Ballot Papers Admitted to Scrutiny	74
Percentage of ballot papers returned to number issued	18
Ballot papers returned as unclaimed mail	3
Ballot papers not returned	317

Executive Council Member (15)

Candidates

Votes

BROOKMAN, Torben	4146
BUDD, Alexander Harry	3732
CAIN, Jesse	3215
CAMPBELL, Lisa	4047
CARMICHAEL, Bruce	3366
CASSEL, Michael	4978
CHRISTIE, Elizabeth	3619
COMERFORD, Shaun	3377
COPPEL, Michael	4520
DONNELLY, Susan Louise	4538
EVANS, Richard	5344
GAUTIER, Douglas	4583
MCGRATH, Shirley	4375
MCGREGOR, Timothy Ross	2838
MCINTYRE, Patrick	5070
MCLEAN, Liza	4944
MOUSAFERIADIS, Peter	1496
PILBEAM, Rod	3669
ROWE, Mark	2668
SMITH, Melanie	4231
VINCE, Judy	3501
WINNING, Fiona	4031
WITHERS, Louise	4122

Total votes	90410
Formal ballot papers	61
Informal ballot papers	13

I declare Torben Brookman , Alexander Harry Budd , Lisa Campbell , Michael Cassel , Michael Coppel , Susan Louise Donnelly , Richard Evans , Douglas Gautier , Shirley McGrath , Patrick McIntyre , Liza McLean , Rod Pilbeam , Melanie Smith , Fiona Winning and Louise Withers elected.

Shane Lanning
Returning Officer, Australian Electoral Commission
20 November 2017

Australian Entertainment Industry Association Office Bearers and Executive Council E2017-166

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.

President (1)

Candidates

KAY, Andrew

Vice-President (2)

Candidates

KOTZAS, John
O'CONNOR, Maria

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



Allison Valentine
Returning Officer
24 October 2017



DECISION

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

Australian Entertainment Industry Association
(E2017/166)

MR ENRIGHT

MELBOURNE, 11 AUGUST 2017

Arrangement for conduct of election.

[1] On 1 August 2017 the Australian Entertainment Industry Association lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

President	(1)
Vice-President	(2)
Member 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 COMMISSIONER

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From: Holly Crain <HCrain@liveperformance.com.au>
Sent: Tuesday, 1 August 2017 5:30 PM
To: ROC - Registered Org Commission
Cc: GALLICHIO,Sam
Subject: Statement of Prescribed Information for Election - Live Performance Australia 2017
Attachments: Statement of Prescribed Information for Election - Live Performance Australia 2017.pdf

Dear General Manager at the Registered Organisations Committee,

Please find attached a statement of prescribed information with regard to the upcoming election for offices within Live Performance Australia.

This statement has been lodged at least 2 months before nominations open for the election.

Should you have any questions or require further information please do not hesitate to contact me at any time.

Yours sincerely,

Holly Crain
Senior Policy Advisor



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1 August 2017

General Manager
Registered Organisations Commission
GPO Box 2983
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 the Registered Organisations Commission 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, Senior Policy Advisor, can be contacted on (03) 8614 2000 or by email at hcrain@liveperformance.com.au.

Yours sincerely,



Evelyn Richardson
LPA Chief Executive

Attach.

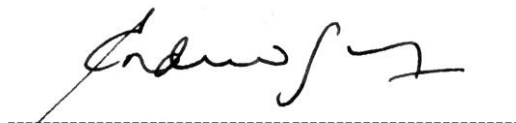
1. Statement of Prescribed Information

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: 1 August 2017

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	Wednesday 4 October 2017
Nominations Close	Wednesday 18 October 2017 (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 Friday 1 December, the cut-off date for the roll is Thursday 28 September 2017.

6. The voting system is the direct voting system.

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



6 July 2017

Mr Andrew Kay
President
Australian Entertainment Industry Association

Sent via email: info@liveperformance.com.au

CC: AEC Returning Officer by email: industrial.elections@aec.gov.au

Dear Mr Kay,

Courtesy Letter - Election for offices [E2017/166]

The rules of the Australian Entertainment Industry Association indicate that an election for offices within the organisation is due to commence shortly.

- Executive Council

It appears that nominations for the election for the above-named offices open in October this 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 Registered Organisations Commission (the ROC) 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 ROC 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 <http://www.roc.gov.au/resources-and-decisions/fact-sheets-templates-and-webinars>.

The prescribed information should be emailed to regorgs@roc.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 Commissioner 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 Commissioner 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 ROC intends to continue to provide reminders that an election is due as a courtesy. However failure to receive a reminder from the ROC 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 [E2017/166]

Should you seek any clarification in relation to the above, please contact the ROC on regorgs@roc.gov.au.

Yours faithfully,



Sam Gallichio
Registered Organisations Commission