



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: Australian Business Industrial (ABI)

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ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2016/139

RULES

Rules used for elections Rule ID: [143N: Incorporates alterations certified on 5 April 2016 in matter R2015/277]

Rules difficult to apply/interpret:

Election Of Council: Rule 28 (b) & (c) Existing Council retires / term of new Council commences at time that **all 15** Eligible Members have been declared elected. Rules do not provide for automatic recall of offices not filled. Rules unclear if election of Office Bearers – Rule 48, should be delayed till **all 15** councillors declared elected. Rule 33 – Returning Officer not appointed to conduct quadrennial Elections by the Council, the Council arranges for the conduct of the election under the provisions of the Fair Work (Registered Organisations) Act 2009 with Fair Work Commission.

Rule 40 The ballot will open no less than one week after the close of nominations. Insufficient time to provide for a 7 day defect period should a nomination be defective as per Rule 37. Additional days required to process and verify nomination eligibility, conduct a ballot draw if required, prepare and post ballot material. Minimum 14 – 21 days suggested.

Ballot paper position - Election Rules silent for both councillors and executive if names should appear on ballot paper in alphabetical order or by random draw.

Rule 48 Office Bearers – rules do not identify if members may nominate for more than one office, nor if a hierarchy exists should a member nominate / be elected to more than one office.

Model Rule reference (if any): N/A

ROLL OF VOTERS

The Roll of Voters was not required for a ballot as the election was not contested.

ALLEGATIONS OF IRREGULARITIES RECEIVED

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

Other irregularities identified, and action taken: N/A

ATTACHMENTS

A: Declaration of results for Uncontested Offices - Councillors

B: Declaration Result for Uncontested Offices - Executive

A handwritten signature in cursive script that reads "K. Montgomery".

Kathryn Montgomery
Returning Officer
29 August 2016