

27 April 2022

Post-election report

United Workers' Union
Scheduled election
E2021/217

Contents

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

Election(s) Covered in this Report

Organisation: United Workers' Union

Election: Scheduled

Election Decision No/s: E2021/217

Rules

Rules used for the election: 108V: Incorporates alterations of 9 November 2021 [R2021/156] (replaces rulebook dated 3 May 2021 [D2020/7] and 25 May 2021 [R2021/50])

Rules difficult to apply/interpret: Yes

- The Member Council made a determination under Rule 80 prior to the commencement of the election to allow for team nominations. When a determination has been made under Rule 80 to permit team nominations the rules do not operate anywhere to preclude individual nominations from also being permitted for the election of Convention Delegates.
- Affirmative action. Rule 73 (a) (b)
 - (a) In the event that, at the declaration of the election of Convention Delegates, the number of women elected does not equal or exceed the 50% required under sub-rule 29(d), the Returning Officer will call for further nominations, and hold elections, for sufficient additional offices of Convention Delegate to ensure sub-rule 29(e) is achieved.
 - (b) Only female Financial Industrial Members, otherwise eligible under sub-rule 70(a), may nominate for an additional office under sub-rule (a).
Given the UWU timetable that requires Convention Delegates be declared no later than 1 June 2022, if the number of women elected did not equal or exceed 50% by the postal ballot close date of 17 May 2022 for a contested election, this would result in the organisation not being able to meet its specified time frames for Stage 2 and 3 elections. Further to this, the rules do not specify where the additional offices are established.

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

Application of Section 193 Powers The matters in which I have exercised the authority given to me by s.193 of the Act are:

- Timetable

Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate. The voting period was extended to 28 days for this event.

- Nominations received via email, or in person by appointment rather than what is stated in the organisation's rules.

Rules specifying the method of lodgement of nominations were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for potential candidates to nominate. Instead nominations were received electronically via the AEC's portal/email, and in person by appointment.

- Defective nominations.

Rule 8(a) of Schedule 4 is set aside, so as to enable sufficient time for defective nominations to be notified and rectified.

- Nominations withdrawal period, Schedule 4, Rule 6 (e) states " A Candidate may withdraw the Candidate's nomination by written notice, given to the Returning Officer, at any time prior to the ballots commencing." This is considered defective, as the preparation and mailing of ballot papers via our contracted printer would require the information to be supplied approximately two weeks prior to printing and mailing.

Signed

Harry Papadopoulos
Returning Officer
Australian Electoral Commission
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P: 03 8639 4848
27 April 2022

Attachments

Please attach to the email issuing the Post-election report **ALL** applicable declarations and ensure they are listed in Attachments section below.

A. Declaration of results for Uncontested Offices – National