

28<sup>th</sup> JUNE 2017

# Post-election Report

**E2017/37 Industrial election – Australian  
Municipal, Administrative, Clerical and Services  
Union (ASU QLD Together Branch)**

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## Election(s) Covered in this Report

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Election Decision No/s:

**E2017/37**

## Rules

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Rules used for the election:

**Australian Municipal, Administrative, Clerical and Services Union**

**052V:** Incorporates alterations of 22 November 2016 [R2016/203]

(Replaced rulebook dated 10 November 2016 [R2016/67] corrected on 16 November 2016) total pages 1 to 269  
Pages 114 to 157 are QLD Together Branch rule specific.

Rules difficult to apply/interpret:

The Together Branch Rules and ASU national rules were evolved from previous versions incorporating AEC feedback in 2016 – Version 52 as quoted above is this latest iteration. However the following points were noted by the DRO in 2017/37 as area's where further clarity and simplicity was required.

1. National Rule 40.bii - Advertising:

DRO thought the wording was unclear in relation to differentiating quadrennial and collegiate elections via rule 31, and as then overarched by national rule 41e as read by an unfamiliar non-member, and the extent of the specified requirements to advertise and by what means/forms.

Together Branch replied: Rule 40 b ii refers to the advertising process for quadrennial elections. In this current election all the elections are collegiate elections with the relevant electoral colleges being defined in Rule 31 of the Branch rules. The electoral colleges are the relevant Branch Industry Divisions' Conference delegates. Rule 41 e of the ASU National rules covers collegiate elections and does not have a requirement to advertise in newspapers. To ensure all the members of the electoral colleges are notified of the election it is our intent to notify Branch conference delegates by email and post and to publish a notice on our Branch website.

DRO Determination: No impact in this case as additional 'advertising' was undertaken by the Branch (newspaper, website, emails).

## Australian Electoral Commission

### 2. National Rule 39 part VII and rule 40 part VII Nominees:

DRO could not readily conclude candidate nominator's criteria with regards to stipulation that 2 nominees are required for candidacy and then the eligibility criteria of those nominators please?

Together Branch replied: There was some discussion and debate over the requirement for a nominee to be nominated by 2 members of the Electoral College when we conducted the last round of collegiate elections (**Vacancy Election E2016/125 – Stage 2 Collegiate Election**). After submissions from our Branch and from the ASU National Secretary, the AEC previously concluded: *“Accordingly, I intend to apply the provisions contained in rule 39 in Part VII of the Rules to the eligibility of candidates, and rule 40 in Part VII of the Rules will apply to the nomination of candidates.”*

DRO Determination: This determination was applied in this round also. The rule wording needs to better reflect the requirement for collegiate specific elections at Branch level, and free from contrary national statements.

### 3. National Rule 41e and Branch Rule 32c (noting National normally overarches branch)

DRO could not easily determine rulings regarding attendance or postal ballot requirements or options

Together Branch replied: Prefer that the ballot for filling the vacant positions on National Conference and Branch Council was conducted by postal ballot as soon as possible rather than waiting until the next meeting as per the national rule 41 e.

Branch Executive endorsed the provision in Branch Rule 32(c) for the election of Branch Council Delegate and National Conference Delegate to be conducted by way of secret postal ballot.

DRO Determination: This was accepted by the DRO on precedent of previous AEC rulings and secret postal applied for 2017/37. Suggest the Branch ruling be noted to overarch national at 32c.

### 4. Branch Rule 31a and Rule 33b

DRO could not easily determine if these offices being elected were 'casual vacancies', and who therefore was eligible to vote for the specified collegiate offices.

Together Branch replied: The Branch does not believe 'casual' applies to this current election, where approximately 400 Branch Conference delegate positions have 200 unfilled. Branch Conference delegates are elected directly by and from the members in sub-divisions. The Branch Conference delegate positions are those defined at lines 14-16 of the table in Rule 31 a. These are the casual vacancies that are referred to in Rule 33 b of the Branch rules. The positions in this current election are positions that are elected collegiately from the existing Branch Conference delegates (by Division). We will be undertaking a separate process in June to call for nominations to fill the directly elected Branch Conference positions that are currently unfilled. Branch Rule 31 a (bottom of the table) and Branch Rule 42e both state that the members of the Branch Industry Division executives will be elected by and from Branch Conference members attached to the Branch Industry Division.

DRO Determination: Accepted after escalation within AEC.

## Australian Electoral Commission

### 5. Branch Rule 41cii

DRO could not with any assurance determine if multiple nominations for more than one concurrent collegiate office, by particular college members was allowed.

Together Branch replied: They are entitled to do so and eligible, regardless of wording of 41cii which appears contrary.

DRO Determination: After escalated advice sought within the AEC, it was determined that eligible members may nominate for more than one office within the same college as per this election.

### 6. National Rule 41.5.d.ix Strike out ballot papers versus place an 'X' next to candidate/s of choice ballot paper requirement

DRO suggests there is ambiguity and lack of clarity regarding 'strike out ballots' versus 'place an X' as specified by the Branch for these offices with multiple positions.

Together Branch advised: 'Place an X' ballot paper rather than a 'strike out' ballot paper in accordance with rule 41.5.d.ix on page 78 preferred.

DRO Determination: 'X' mark ballot used rather than strikeout (as 41.e.ix is not applicable to the Together Branch as not listed in 41.d on page 78 of the national rules). Because Together Branch is not listed at 41d, it was deemed 41e ix is not applicable and 41 x applies.

Module Rule reference (if any); Non Applicable

## Roll of Voters

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The roll of voters provided by the organisation consisted of **192 members** across 7 Colleges; 2 of these Colleges related to 2014/279 and 5 related to the concurrent 2017/37. The total for 2017/37 specifically was **104 Members**.

**0 Non-current addresses** were noted

**2 work addresses** were noted

2 Roll of voters for 2 potential remaining 2014/279 Elections were received totalling 88 members - 43 voters for Branch Industry Division Executive (General) and 45 voters for Branch Industry Division Executive (Public Health).

**1 Election only required of the 5 potential elections for 2017/37** - Total number of voters on the Roll for Other Branch Executive Member (Public Health): **46 Members**

Other matters pertaining to the roll of voters: 1 non-current address – Ballot paper reissued by post to new address); only 1 ballot paper returned and received from this elector.

## Irregularities

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

***NIL noted or received by AEC DRO***

Other irregularities identified, and action taken: ***NIL noted or received AEC DRO***

## Other Matters

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AEC DRO suggests new ASU rule required regarding 'nil requirement for nomination statements and photos'.

DRO suggests a National Rule required to overtly clarify that QLD Together Branch elections are exempt from any requirement to provide for submissions and photos to be submitted with the nominations.

## Attachments

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- 1) Declaration of results for Contested and Uncontested Offices  
– QLD Together Branch E2017/37)



Barry McGlynn  
Returning Officer  
Australian Electoral Commission

28 June 2017

# ATTACHMENT 1: 2017/37 Contested and Uncontested 2017 results

## Australian Municipal, Administrative, Clerical and Services Union Vacancy Election ASU QLD Together Branch E2017/37

### Amended 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.

#### Queensland Together Branch – 1 Contested Election - Other Branch Executive Member (Public Health)

Total number of names on the roll of voters	46
Ballot papers issued	46
Replacement ballot papers issued	1
<b>Total Ballot Papers Issued</b>	<b>47</b>
Ballot papers / envelopes returned for scrutiny	27
Less ballot papers / envelopes rejected at preliminary scrutiny	0
Adjusting balance	0
<b>Total Ballot Papers Admitted to Scrutiny</b>	<b>27</b>
Percentage of ballot papers returned to number issued	<b>57.45</b>
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	20

#### Other Branch Executive Member (Public Health) (2)

<u>Candidates</u>	<u>Strikeout</u>	<u>Votes</u>
BLACK, Christopher	17	9
BYARD, Michelle	4	22
HUGUENIN, Rohan	6	20
Issued 46 plus 1 re-issued	<b>46</b>	<b>46</b>
Received	<b>27</b>	<b>27</b>
Total Ballots counted	<b>27</b>	<b>27</b>
Formal ballot papers	<b>26</b>	<b>26</b>
Informal ballot papers	<b>1</b>	<b>1</b>

I declare Michelle Byard and Rohan Huguenin elected.

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### Other Branch Executive Member (Public Service) (1)

#### Candidates

BOOKER, Raymond John

I declare Raymond John Booker elected.

### National Conference Delegate (Public Health) (4)

#### Candidates

BLACK, Christopher  
BYARD, Michelle  
CONLAN, John  
HUGUENIN, Rohan

I declare Rohan Huguenin, Michelle Byard, Christopher Black and John Conlan elected.

### National Conference Delegate (Public Service) (3)

#### Candidates

BLISS, Maree  
ROBERTSON, Gayle  
THOMPSON, Susan

I declare Gayle Robertson, Maree Bliss and Susan Thompson elected.

### Branch Council Delegates (Public Service) (2)

#### Candidates

ROBERTSON, Gayle  
THOMPSON, Susan

I declare Gayle Robertson and Susan Thompson elected.



Barry McGlynn  
Returning Officer  
Australian Electoral Commission

30 May 2017