

26 March 2020

Post-election report

Independent Education Union of Australia
Scheduled election
E2019/223

Contents

Election(s) Covered in this Report	3
Rules.....	3
Roll of Voters	3
Irregularities.....	4
Other Matters	4
Signed	4
Attachments.....	5

Election(s) Covered in this Report

Organisation: Independent Education Union of Australia
Election: Scheduled
Election Decision No/s: E2019/223

Rules

Rules used for the election: [130N: Incorporates alterations of 14 May 2018] [R2018/45] (replaces rulebook dated 12 April 2018 [R2017/253 and R2017/293])

Rules difficult to apply/interpret: Federal Rule 17(s) is difficult to apply. The rule requires that the Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot. The AEC is unable to secure a ballot box located in a post office. Therefore the Returning Officer, after collecting the returned ballot papers from the post office, keeps them in a secured area inside the AEC premises. It is recommended that the Rules incorporate the AEC's Model Rules Guide (refer to paragraphs 16 & 17).

Federal Rule 17(t), requires the count to be conducted at the 'registered office'. Counting of ballot papers are conducted at AEC offices to ensure security of all ballot materials and to facilitate use of AEC systems, it is recommended that the Rules be amended so that the count is conducted at the premises determined by the Returning Officer. Further, 'opened in the presence of the Scrutineers and counting shall then proceed' is not always practicable as not all appointed scrutineers may be present. It is suggested that the Returning Officer will commence the count at the allotted time as soon as the ballot closes in the presence of the scrutineers who are in attendance.

Model Rule reference (if any): Refer to AEC Model Rules Guide as indicated above.

For more details see the Model Rules on the AEC website:
(https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

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

Other irregularities identified, and action taken: None

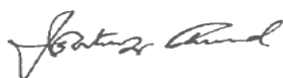
Other Matters

Returning Officer actions required (Section 193): Yes

Details:

1. As there is no rule pertaining to the withdrawal of Nomination, as the Returning Officer, I applied Section 193(1) (b) of *the Act* to fix a closing time for the withdrawal of nomination and the withdrawal period was fixed in line with the close of nomination period.
2. Federal Rule 17(s) is difficult to apply. The rule requires that the Returning Officer will collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot. The AEC is unable to secure a ballot box located in a post office. Therefore as the Returning Officer, I applied Section 193(1) (b) of *the Act* so that after collecting the returned ballot papers from the post office, they could be kept in a secured area inside the AEC premises.
3. Federal rule 17 (t) will be difficult to apply as it states that the ballot box will be opened by the Returning Officer in the presence of Scrutineers. As the Returning Officer, I applied Section 193(1) (b) of *the Act* to open the ballot box for counting the ballot papers in the presence of scrutineers in attendance at the time fixed for the scrutiny.
4. According to rule 18(g) (vii), the election shall be conducted as quickly as possible, with two clear weeks being allowed between the posting of ballot papers and the date by which ballot papers must be returned. As it may take longer time for the Australia Post to complete the delivery and return procedure in between states, as the Returning Officer, I applied Section 193(1) (b) of *the Act* to extend the ballot period to three clear weeks to ensure Australia post delivers the ballot envelopes efficiently to respective voters of different states.

Signed



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26 March 2020

Attachments

A. Declaration of Results for Uncontested Offices