

17 January 2019

Post-election report

Australian Workers' Union, The
Western Australian Branch, Australian
Workers' Union
Casual Vacancy election
E2018/120

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Election(s) Covered in this Report

Organisation: Western Australian Branch, Australian Workers' Union

Election: Casual Vacancy

Election Decision No/s: E2018/120

Rules

Rules used for the election: [002N: Incorporates alterations certified on 04/08/2017 in matter R2017/19]

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

Roll of Voters

As there was a contested offices,

Total number of voters on the Roll: 5842

Number of apparent workplace addresses: 9

Number of non-current addresses: 25

Other matters pertaining to the roll of voters: NIL

Irregularities

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

There are 2 critical issues that occurred

1. 2 candidates initially applied, both attempted to withdraw their candidacy after the close of nominations. (there were also claims made by one candidate that she was blackmailed into withdrawing, we were unable to take it further as we are not an investigative agency but we notified NO and advised the candidate that she could raise it with police or potentially Fair Work). Basically this caused the decision from NO (email attached) to use s193 to adjust dates.
2. The rules of this election require advertising be placed in a daily newspaper. From our end all processes were followed appropriately however UM failed to deliver the service (we got a refund). This meant that any outcome of the initial election would have been highly

contestable so the decision was taken that given the other issue with the election we would need to start pretty much from scratch.

Other irregularities identified, and action taken: None

Other Matters

Returning Officer actions required (Section 193): No

Details: N/A

Signed



Amber Cooper
Returning Officer
Australian Electoral Commission
E: waelections@aec.gov.au
P: 08 6363 8011
17 January 2019

Attachments

A. Declaration of Results for Contested Offices – WA



3 December 2018

Mr Daniel Walton
National Secretary; NSW Branch Secretary
Australian Workers' Union
members@nat.awu.net.au

Dear Mr Walton,

cc: WA Branch, admin@awuwa.asn.au

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 contested offices for WA Branch [E2018/120]. 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, as soon as practicable after receiving the post-election report, 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 Workers' Union, The 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

Matthew Indrigo
Registered Organisations Commission

Australian Workers' Union, The
Western Australian Branch,
DECLARATION OF RESULTS - E2018/120
Contested Offices

Casual Vacancy Election

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 are:

West Australian Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	5,853
Number of voters issued with voting material	5,853
Total number of voters issued with replacement voting material	2
Total number of voting material packs issued	5,855
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	1,221
Number of declaration envelopes rejected at preliminary scrutiny (minus)	57
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	1,164
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	122
Voting material packs not returned by voters by closing date of the ballot	4,512
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	21 %

Branch Vice President (Honorary) (1)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
DUFFY, Andy	574	574
HERBERT, Alana	587	587

Total ballot papers admitted for this office	1,164
Formal Ballot papers	1,161
Informal Ballot papers	3

I declare the following elected:

- HERBERT, Alana

A Cooper

Amber Cooper Returning Officer
Telephone: 08 6363 8011 Email: waelections@aec.gov.au
26/11/2018



DECISION

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

The Australian Workers' Union
(E2018/120)

MR ENRIGHT

MELBOURNE, 8 JUNE 2018

Arrangement for conduct of election.

[1] On 23 May 2018 The Australian Workers' Union lodged with the Registered Organisations Commission prescribed information for an election to fill a casual vacancy in the following office for the remainder of the term:

West Australian Branch

Branch Vice President (Honorary) (1)

[2] I am satisfied that an election for the abovenamed office 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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PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009*

I, Daniel Walton, being the National Secretary of The Australian Workers' Union, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the West Australian Branch of The Australian Workers' Union.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The election that is required is set out in the table in Annexure A.
4. The resignation letter is attached for the casual vacancy.
5. A postal ballot is currently being conducted of the AWU National Executive seeking approval for the AEC to set the relevant dates for the election.

Signed: _____



Daniel Walton

22 May 2018

ANNEXURE A

- Elections that are required

Branch	Date of Change	Name of Office	Name of Outgoing Office Holder	Voting System	Reason for Election	Electorate
<i>West Australian</i>	<i>18.5.18</i>	<i>Branch Vice President (Honorary) (1)</i>	<i>Chris King</i>	<i>Direct Voting System</i>	<i>Resignation within 12 months of office</i>	<i>Entire West Australian Branch</i>

	Direct Voting System	
Nominations OPEN	<i>to be determined by the returning officer</i>	
Nominations CLOSE	<i>to be determined by the returning officer</i>	
Roll of Voters cut off date	<i>7 days prior to nominations opening - rule 63 (1)</i>	