



**Australian Government**

**Registered Organisations Commission**

# Registered Organisations Commission (ROC)

## Elections: Guidance to support efficient process

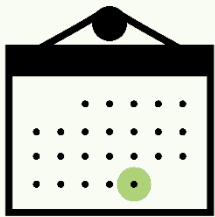
May 2019



# Overview

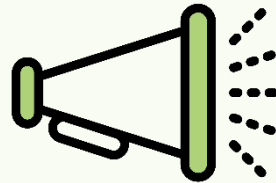
- Elections are arranged by ROC
- AEC conducts the election

1



Registered organisation lodges prescribed information

2



Delegate issues decision

3



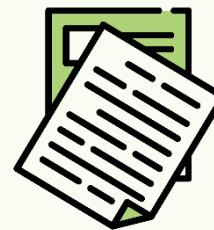
Decision sent to organisation/branch and AEC

4



AEC conducts election

5



Results declared and post-election report



## Prescribed information

- Refer to ROC templates
- Prescribed information must be lodged at least two months before nominations open
- Must be signed by the 'designated officer'
- Providing complete prescribed information will prevent delays

- ✓ Name & number of offices/positions
- ✓ Reason for election
- ✓ Electorate
- ✓ Date and time nominations open and close
- ✓ Day roll of voters closes
- ✓ Type of voting system (Direct or Collegiate)



# Formulas contained within rules

- All information required to complete a calculation to determine the number of offices to be filled **must** be in the prescribed information

## Example:

### Rule 12 of Registered Organisation

(1) The number of Council Delegates shall be determined in accordance with the following formula:

<u>No. of Branch Members</u>	<u>Council Delegates</u>
Less than 100	2
100 – 199	3
More than 200	4

(2) To determine the amount of branch members, regard will be had to the total number of financial members as at 5:00 pm AEST on 30 June.



## Elections in multiple stages

- Lodge the prescribed information all at once at least 2 months before nominations open in the first stage of the election
- ROC can arrange for every stage in one decision, which will allow the election to progress as quickly as possible





## ‘To be determined by Returning Officer’

- Where the rules do not specify dates and times for opening and closing of nominations, the prescribed information should detail that the relevant dates are ‘to be determined by the Returning Officer’
- Dates that are merely preferred dates should be clearly identified to avoid confusion





# Office positions and non office positions

- Elections can be conducted for offices and ‘non-office’ positions
- Section 187 requires written permission from the AEC for ‘non-office positions’
- Refer to the s 9 definition of an ‘office’ and the rules of your organisation

## Office

- President, Vice President, Secretary, Assistant Secretary
- Voting member of collective bodies with specific powers (management of affairs, determination of policy, participating in rule-making and enforcement)
- A person entitled to participate directly in the management of the organisation or the enforcement of rules
- Holds property of the organisation/branch

## Non-office Position

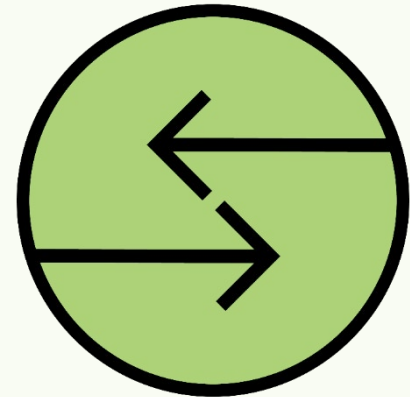
- Acts in accordance with directions for the purpose of implementing existing policy or decisions
- Common examples: CEO, Director





# Rules alterations during election process

- Rule alterations may be pending with the Fair Work Commission (FWC) during the election process
- Pending rules that may affect the election should be included in the prescribed information
- Prescribed information should be lodged in accordance with **current rules** at the time of lodgment







## Supporting resources

- Webinar: Elections, published April 2019
- Fact sheet: Elections in organisations and their branches
- Sample notice and statement of prescribed information (for offices and non-office positions)
- Elections checklist





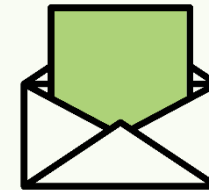
# For more information or to contact us



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