

22 July 2022

Post-election report

**Independent Education Union of
Australia**

New South Wales/Australian Capital

Territory Branch

Scheduled election

E2022/24

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Election(s) Covered in this Report

Organisation: Independent Education Union of Australia -
New South Wales/Australian Capital Territory Branch
Election: Scheduled
Election Decision No/s: E2022/24

Rules

Rules used for the election: [130N: Incorporates alterations of 7 February 2022 [R2021/136]]
(replaces rulebook dated 2 August 2021 [R2021/46 and R2021/89])

Rules difficult to apply/interpret: The Rules regarding the close of nomination period is difficult to apply.

Rule 10.14 (c) of NSW/ACT branch states (in parts):

'Every member who is a financial member of the sub-branch from whom the Delegate is being elected as at 1st May in the year in which the election is conducted shall be eligible to vote'.

Rule 10.14 (e) of NSW/ACT branch states (in parts):

'The nomination in writing, together with written consent of the nominee, must be received by the Returning Officer or such person deputed by the Returning Officer for this purpose not later than 12 noon on the fifth day of May'.

By considering the above rules together, the rules of the Organisation indicate the Roll to close 4 days before the nomination closes which is insufficient as it has not considered the minimum period for the opening of the nominations after the close of roll. S143(3) FW(RO) Act 2009 states that the closing time of roll must be 7-30 days before the nomination opens. To address the issue, the Roll was closed 7 days before the nomination opens.

Model Rule reference (if any): 12.1.3 Close of Roll Day shall be a day which is no earlier than 30 days and no later than 7 days before the day on which nominations for the election open. Wherever the last day of a Quarter falls within this period, Close of Roll Day shall be that day. Otherwise Close of Roll day shall be the day 7 days prior to the date for the opening of nominations.

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

Other Matters

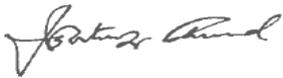
Returning Officer actions required (Section 193): Yes

Details:

- 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 email/the AEC's portal.
- As there is no rule pertaining to the withdrawal of Nomination, the Returning Officer fixed a closing time for the withdrawal of nomination and the withdrawal period was closed after seven days from the date of nomination closing period.

- Rules are silent to determine results in case of tied votes. Returning Officer proposed to resolve the issue of tied vote by lot.
- Rules are silent in relation to the voting system. Returning Officer applied 'First past the post' method to count the vote which is being used for the branch executive elections for the IEU NSWACT Branch.
- Rules regarding the closing time of the nomination was insufficient as it allowed only four days after the close of the Roll. To address the issue, Returning Officer allowed at least 21 days to close the nomination period.

Signed



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22 July 2022

Attachments

A. Declaration of results for Contested and Uncontested Offices