

27 August 2018

JQ:98/18

Mr Ishtiaq Ahmed
Returning Officer
AEC
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HAYMARKET NSW 1240

Email: Ishtiaq.Ahmed@aec.gov.au

Dear Mr Ahmed

I write in response to the Post-Election Report dated 17 August 2018 regarding the IEUA NSW/ACT Branch Council elections and in particular to the issues you raise regarding rules which were difficult to apply or interpret.

The rules of the IEUA regarding elections are intended to cover both those elections conducted under the Fair Work (Registered Organisations) Act 2009 by the Australian Electoral Commission and internal elections conducted by the Union itself.

It is our position that for elections conducted by the AEC, the manner and management of the election is placed in the hands of the AEC subject to matters such as the roll of voters, the electoral timetable and the method of counting votes being as identified in the rules.

Our rules anticipate that in the interests of transparency, ballot boxes will be opened and ballots counted in the registered office of the Returning Officer (whether the Union or the AEC) and that the time and place will be notified to candidates to enable them to inform scrutineers.

The application of the rules as they stand will not lead to a delay in counting ballots but rather will prohibit opening ballot boxes and the commencement of a count without reasonable notice as to when and where the count will commence.

However, I will raise your suggestion regarding the "Model Rules Guide" with the Federal Executive and the Federal Council who have carriage of matters pertaining to the rules of the Union. Those bodies will give your suggestions serious consideration.

I note further that your post-election report indicates that there were no irregularities identified. It was my understanding that at the close of nominations (midday Tuesday 5 June) no sub-branch had more nominations than vacancies and therefore no ballots were necessary, however the declaration of the results was delayed until 28 June due to a question concerning the eligibility of a person who nominated one candidate.

Clearly such circumstances are not reportable irregularities, hence I would be grateful for an AEC explanation regarding the "capture" of term "irregularities".

Yours sincerely



JOHN QUESSY
Secretary