



United Services Union

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11 July 2019

Noopur Madan
Senior Returning Officer
Australian Electoral Commission

By email only: noopur.madan@aec.gov.au;
Industrial.elections@aec.gov.au

Dear Ms Madan,

**Australian Municipal, Administrative, Clerical and Services Union New South Wales Local Government,
Clerical, Administrative, Energy, Airlines & Utilities Branch - E2018/263**

We refer to the above matter and to your Post-election report ("**the Report**") dated 28 June 2019, a copy of which is enclosed for ease of reference.

The report identified two aspects of the Branch and/or Organisations rules which were either difficult to apply or interpret or had the potential to cause confusion. These were:

1. National rule 41(e) relating to postal ballots for Sub branch collegiate elections; and
2. Branch rule 9(f) relating to the filling of the office of Sub Branch alternate Delegates to Branch Conference.

Noting that National Rule 41(e) is a rule applying to the entire Organisation and not specific to the Branch, the Branch can advise the Commission that it intends to take action in relation to both of the above matters.

The Branch is currently engaged in a process of consultation with Branch members on proposed changes to the Branch rules.

The current proposal would see the Branch rules amended to:

- a. clarify that any collegiate election at a Sub Branch level must be conducted by an in person ballot; and
- b. remove the position of Sub Branch alternate Delegate to Branch Conference from the structure of the Branch.

New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union

New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch of the Australian Services Union

Regional Offices: Newcastle, Wollongong

Satellite Offices: Armidale, Bathurst, Canberra, Dubbo, Grafton, Hay, Port Macquarie, Wagga Wagga

ABN: 95 571 805 442

These proposals will be debated at the upcoming Special Branch Conference to be held in October 2019.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'G Kelly', with a stylized flourish at the end.

Graeme Kelly OAM
BRANCH SECRETARY

28 June 2019

Post-election report

**Australian Municipal, Administrative, Clerical and Services Union -
New South Wales Local Government, Clerical, Administrative,
Energy, Airlines & Utilities Branch – Scheduled Election E2018/263**

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Election(s) Covered in this Report

Organisation:	Australian Municipal, Administrative, Clerical and Services Union, NSW Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch
Election Decision Number(s):	E2018/263

Rules

Rules used for the election:	052V: Incorporates alterations of 21 December 2018 [R2018/256] (replaces rulebook dated 19 December 2018 [R2018/243])
Rules difficult to apply/interpret:	Rule 9 (f) of the Branch Rules regarding the election of Sub Branch alternate Delegates to Branch Conference is difficult to apply. The Union's interpretation was that members did not need to nominate and would be automatically elected to that office. The returning officer advertised these positions in the Election Notice per the Decision and in accordance with Section 187 of the Fair Work (Registered Organisations) Act 2009 (the Act). In consultation with ROC and the CEPU, it was agreed the rule needs to be made unambiguous.
Model Rule reference (if any):	see below
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

Note: Only Sydney Clerical and Administrative Branch was contested.

Total number of voters on the Roll:	2537
Number of apparent workplace addresses:	17
Number of non-current addresses:	85
Other matters pertaining to the roll of voters:	None

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): None

Other Details: Rule 41 (e) of the Elections rule (Part VII) for collegiate elections is written to suit an attendance ballot even though it can be postal if the timings are impractical. Due to the large number of Sub-Branch meetings held in a short space of time all over NSW, and within a few days of declaration of results from Stage 1 of the election, it is impossible for the Returning Officer to attend all these meetings. The wording of the rule has the potential for confusion and requires amending.

Signed



Noopur Madan
Returning Officer
Australian Electoral Commission
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28 June 2019

Attachments

- 1) Declaration of Results for Contested Offices – Stage 1
- 2) Declaration of results for Uncontested Offices – Stage 1
- 3) Declaration of Results for Uncontested Offices – Stage 2