

18 December 2019

Post-election report

VIPA

Scheduled election

E2019/90

Election(s) Covered in this Report

Organisation: VIPA
Election: Scheduled
Election Decision No/s: E2019/90

Rules

Rules used for the election: [012Q: Incorporates alterations of 16 March 018[R2018/3]
Replaces rulebook dated 6 September 2017 [R2017/124]

Rules difficult to apply/interpret: Yes
Model Rule reference (if any): 7.1 Nominations
For more details see the Model Rules on the AEC website:

https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections

Contradictory rules regarding the close of roll and eligibility to nominate in an election and the roll of voters for any election.

Roll preparation

Rule 39(l)(ii) The roll of voters for any ballot is to be closed 7 days before the day on which nominations for the election open.

Definitions

Rule 39(c) "eligible Member" means a person who was a financial Member of the Association 30 days before the starting time for nominations;

"voter" means a person--

- (a) who is an eligible Member; and
- (b) whose name is on the roll under Sub Rule (l);

Nomination procedure

Rule 39(h)(iii) The Manager must accept a nomination if—
(2) the nominee is an eligible Member.

Calling for nominations

Rule 39(g)(ii)(7) that only a person who was a financial Member 30 days before the opening time for nominations may vote in the election; and

Model rule

7.1 Each member's eligibility to participate as a nominee or nominator shall be determined as at the close of nominations.

12 The composition of the roll of voters for each election depends on the rules covering eligibility to vote. Usually the rules will provide that a financial member will be entitled to vote in an election. Section 143 of the Act requires the Rules to provide that the roll of voters for a direct voting system closes on a day no earlier than 30 days and no later than 7 days before the day on which nominations for the election open. In these Model Rules that day is referred to as the Close of Roll

Day. Section 143(6) provides that the only alterations that can be made to the roll of voters after the close of roll day are to correct errors such as the adding of persons who were inadvertently omitted from the roll of voters or the deletion of persons who were inadvertently included on the roll of voters.

Recommendation

Create a consistent period for eligibility to vote in the election, eligibility to nominate and close of roll for any election. This could be 7 days or 30 days but should be consistent.

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: None