



15 January 2020

Ms Ann Dougan
Returning Officer
Australian Electoral Commission
BY EMAIL: vicelections@aec.gov.au

COPY TO:
Registered Organisations Commission
By email: regorgs@roc.gov.au

Dear Sir/Madam

RE: Post-election report of the Australian Electoral Commission: E2019/90

We refer to the post-election report dated 18 December 2019. This letter constitutes VIPA's response in accordance with section 198(1) of the *Fair Work (Registered Organisations) Act 2009* ('RO Act')

The AEC has identified that the difference in dates for determining eligibility to vote in the election, eligibility to nominate and close of roll for an election results in "contradictory rules". Those Rules are listed on page 3 of the AEC's Post Electoral Report states as:

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"*

We note that the AEC has highlighted that the Model Rules provide for a "consistent period" for eligibility to vote in the election, eligibility to nominate and close of roll. Reference is also made to section 143(3) of the RO Act



With respect, VIPA does not agree that there is a “contradiction” between Rules, or that there is any inconsistency with section 143(3) or (6) of the RO Act.

A person who is “a financial member of [VIPA] 30 days before the opening time for nominations” may vote, and is also eligible to nominate for a position on the Committee of Management. The RO Act does not stipulate any timeframe around the determination of a member’s eligibility to vote or nominate in an election.

The roll of voters closes 21 days later, being 7 days before opening time for nominations. This intervening period allows for changes in a member’s details, notification that a member is unfinancial and therefore ineligible to vote/nominate, and any other administrative issues. The date is consistent with the requirements of section 143(3) of the RO Act.

We note that the AEC timeline sent to us on 19 July 2019 requests a list of those members of the organization financial as at 12 August 2019, which was 7 days prior to nominations opening on 19 August 2019, and therefore does not comply with VIPA’s Rules regarding the eligibility to vote and eligibility to nominate. Notwithstanding this error, VIPA has complied with the 30 days requirement in our Rules.

On the above bases, we do not see that there is any immediate need to amend VIPA’s Rules.

We do acknowledge that there may be some internal administrative benefit to having consistent dates for eligibility to vote, eligibility to nominate and Close of Roll of Voters. We have also considered the recommendations made with respect to those Rules highlighted on pages 5 to 8 of the AEC Post-Election Report under “Other Matters”. Consequently we plan to undertake a review of our Rules with the view to updating them, including potential changes to the electorates and composition of the Committee of Management.

A copy of the Post-Election Report and this response is being uploaded to VIPA’s website in compliance with section 198(3) of the RO Act.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'WR', is placed above the typed name.

Warwick Renton
General Manager
VIPA