22 November 2018

Health Services Union
Scheduled Election
E2018/46

AEC
Australian Electoral Commission

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Election(s) Covered in this Report

Organisation: Health Services Union
Election: Scheduled
Election Decision No: E2018/46

Rules

Rules used for the election: [051V: incorporates alternations of 23 May 2018 (R2018/48)]
Replaces rulebook dated 2 October 2017

Rules difficult to apply/interpret:
WA Branch : Rules difficult to apply/interpret: Rule 23A (e)(1) – The rules do not identify the paid Branch Officers. To apply the provisions of Rule 23A (e) (1) the HSU Western Australia Branch advised that under rule 44(e) the Branch had fixed the remuneration and terms and conditions of employment of the Branch Secretary and Branch Assistant Secretary therefore making these offices the only paid Branch offices.

All Branches : Rule 23(d)(vi): This rule requires that nominations are not dealt with until after the close of nominations. Accordingly, as each nomination was received it was held in a secure storage container and not processed until after the close of nominations adding to the time before we could send nominations to the Organisations for Eligibility checks. Further, given the potential subsequent processes that have to be undertaken and required timeframes set out in the rules, Returning Officers had to adjust the proposed timeframe between close of nominations and the ballot opening to 8 weeks.

Model Rule reference (if any): N/A
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

As there were no contested offices, no Roll of Voters was required for Western Australia Branch, Victoria 1,2,3,4 Branches and Tasmania Branch or the National Officers Election

The following Branches were contested New South Wales and South Australian Branches

	NSW	SA
Total number of voters on the Roll:	35,207	1,194
Number of apparent workplace addresses:	103	3
Number of non-current addresses:	369	15

Other matters pertaining to the roll of voters:

SA Voter Roll : 4 updates to the roll were required by the HSU SA Branch as per the Roll Listing Timetable. Each time a new update was received the Returning Officer identified reconciliation errors in the signed letter of declaration due to the removal of union members who had become un-financial.

This resulted in numerous phone calls to the Branch Secretary of the HSU SA Branch to explain the Union rules in relation to eligibility of members voting in the election, in particular the difference between a resigned v's unfinancial union members.

Irregularities

Details of written allegations of irregularities,
and action taken by AEC: NIL

Other irregularities identified, and action taken: NIL

Other Matters

Returning Officer actions required (Section 193): Yes

Details below

Section 193 taken for below rules

All Branches

Rule 23(d)(ixx): This rule is procedurally defective because the AEC is not able to comply with the receipting process as it is not a part of Australia Post process of mail.

National Officers Collegiate Election

Rule 23B(e) of the Federal Rules is procedurally defective because it does not allow sufficient time to post the ballot papers to any member that applies for an absentee vote to receive said ballot papers and return to the office of the Returning Officer. The ballot can be conducted at the meeting but not counted until the close of the postal component of the ballot. Section 193(1)(b)(ii) of the *Fair Work (Registered Organisations) Act 2009* was taken to allow sufficient time to allow Absentee voters to receive and return their ballots to the Returning Officer.

For your Information:

All Branches

In accordance with Rule 23A(h)(v) the declared elected candidates were to appear on the ballot paper and in the case of the NSW Branch this created a cumbersome oversized ballot paper. If those names had been omitted from the paper it would have been an A5 size ballot paper which would be less confusing for the voter. If the intention of the rule is to advise the members of the successful candidates then this is not the case when a branch does not have any contested election as was the case in Victoria, Tasmania and Western Australia therefore the members were not advised of the successful candidates. It is the view of the Returning Officer that this is an inconsistency in the process.

Signed

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22 November 2018

Attachments

A. Declaration of results for Uncontested Offices – National
B. Declaration of Results for Contested and Uncontested Offices – NSW
C. Declaration of Results for Contested and Uncontested Offices – SA/NT
D. Declaration of Results for Uncontested Offices – TAS
E. Declaration of Results for Uncontested Offices – VIC 1
F. Declaration of Results for Uncontested Offices – VIC 2
G. Declaration of Results for Uncontested Offices – VIC 3
H. Declaration of Results for Uncontested Offices – VIC 4
I. Declaration of Results for Uncontested Offices – WA