

Draft Rules for a New AMWU



6 - ELECTIONS

6A – DIRECT ELECTIONS

New Rule

Direct Elections shall take place in 2019 and each four years thereafter.

1. Offices to be Elected

This rule shall apply to elections for the following offices -

- a) National President;
- b) National Secretary;
- c) **Assistant National Secretaryies;**
- d) **State Secretaryies;**
- e) **Assistant State Secretaryies;**
- f) **State Organisers;**
- g) Delegates to National Conference;
- h) Delegates to State Conference; and

1A From 1 July, 2023, the number of Assistant National Secretaries shall be set at two to be elected shall be subject to budget and the needs of the Union and shall be determined by the National Conference.

The number of Assistant State Secretaries and State Organisers shall be subject to budget and shall be determined by the National Council following consideration of any resolution of the relevant State Conference.

2. Electorates and Voting

- a) The offices of National President, National Secretary and Assistant National Secretary shall be elected by a secret postal ballot of the financial members of the Union;
- b) The offices of State Secretary, Assistant State Secretary, State Organiser, Delegate to National Conference and Delegate to State Conference shall be elected by a secret postal ballot of the financial members in the State in which they reside.
- c) For the purposes of this Rule, elections for the positions listed in 2(b):
 - (i) In New South Wales, shall include members who reside in the Australian Capital Territory;
and
 - (ii) In Queensland, shall include members who reside in the Northern Territory.

d) For the purposes of this Rule, elections for the positions of Delegates to National Conference and Delegates to State Conference:

- (i) A total number of Rank and File Delegates to the National Conference shall be determined for each State consistent with Rule 5A1.2.
- (ii) The determination of the total number consistent with paragraph (i) above shall be based upon the number of financial members at the end of the Quarter immediately preceding the opening of nominations.

3. Eligibility.

A member may be nominated as a candidate under this Part if the member:

- a) has been a member for the continuous period specified below relating to that office immediately preceding the closing date for lodging nominations and was financial for the 12 months immediately preceding the closing date for lodging nominations;
- b) is financial at the closing date for lodging nominations and in the case of offices at a State level, was financial in that State; and
- c) was for the 12 months immediately preceding the closing date for lodging nominations:
 - (i) employed as an employee in a trade or calling or branch thereof in or in connection with which the Union is registered; or
 - (ii) unemployed on account of illness, incapacity or inability to obtain employment; or
 - (iii) engaged in a full-time office of the Union after having been elected or temporarily appointed thereto; or
 - (iv) employed as a salaried officer of the Union or another union associated enterprise specifically endorsed by the National Council.
- d) The continuous periods of membership required before a member can be nominated as a candidate are as follows:
 - (i) for the offices of National President, National Secretary, Assistant National Secretary, State Secretary and Assistant State Secretary: 4 years;
 - (ii) for the offices of delegate to National Conference, delegate to State Conference, and State Organiser: 2 years.
- e) Additional eligibility criteria apply as follows:
 - (i) For the office of Rank and File Delegate to National and State Conference, a nominee must not be employed by the Union in any capacity at the close of nominations.
 - (ii) For the office of Official of Officer on the National and State Conferences, the nominee must be employed by the Union and classified as an Official or an Officer.
 - (iii) For the office of rank and file members on the National and State Conferences pursuant to subrule 5A1.2(e), the nominee must be either an apprentice (but not an adult apprentice) or under 25 years of age at the close of nominations.

4. Tenure and Nature of Office

a) Persons declared elected to an office referred to in subrule 1 shall take up office on the 1st January or the 1st July, whichever sooner occurs, after the declaration of the result of the election and, subject to paragraph (d), shall hold office ~~hold office for four years or~~ until such time as their successors have been elected ~~or appointed and taken office.~~

b) Persons declared elected or appointed to fill a casual vacancy in an office referred to in subrule 1 shall take up office immediate on the declaration of the casual vacancy election or immediately following the appointment and, subject to paragraph (d), shall hold office for the remainder of the unexpired term.

c) The initial election under this rule shall take place in the first half of 2019 with the new offices to commence from 1 July, 2019 and shall be conducted in accordance with subrule 6A.10.

d) A member elected to the positions National President, National Secretary, Assistant National Secretary, State Secretary, Assistant State Secretary or State Organiser:

- (i) shall be a full-time officer and shall not, at the same time, hold another full-time office in the Union;
- (ii) shall cease to hold office where he or she has been unfinancial for a period longer than 3 months.

e) Except as provided in sub rule (f) below, a rank and file member elected to the office of National Conference Delegate or State Conference Delegate shall be an honorary officer and shall cease to hold office where they are no longer eligible to nominate as a candidate in accordance with sub-rule 3.

f) A rank and file member elected to the office of National Conference Delegate or State Conference Delegate who is or was employed by the Union after the close of nominations for that office may continue to hold the office for a period of up to one year from the commencement of the term of office.

5. Returning Officer

Direct Elections shall be conducted by Returning Officers appointed by the Australian Electoral Commission or any successor thereto.

6. Conduct of Elections

The Returning Officer shall conduct elections in the following manner.

- a) The Returning Officer shall ensure that nominations for positions shall be called for in the national journal of the Union or in a national daily newspaper or in a manner determined by the Returning Officer after consultation with the union having regard to the type of election. In addition, the notice shall be published on the national Union website.

- b) Nominations shall open on the 14th of January and close at a time to be determined by the Returning Officer on the 21st of February. Where either of these two dates falls on a Saturday, a Sunday, or a public holiday, the nominations will open or close on the next business day.
- c) Nominations must be in writing and signed by the member who is nominated and by the number of nominators as listed below:
- (i) For the offices of National President, National Secretary and Assistant National Secretary, State Secretary, Assistant State Secretary and State Organiser: 10 nominators are required;
 - (ii) For the offices of National Conference Delegate and State Conference Delegate: 5 nominators are required.
- All nominators must be financial members of the Union in the relevant State at the close of nominations.
- d) Nominations must also include other information as required by the Returning Officer for the good conduct of the ballot.
- e) Nominations may be delivered or forwarded by mail or email or by any other means that ensures delivery to the Returning Officer at the required location.
- f) As soon as practicable after the close of nominations, the Returning Officer shall proceed to check all nominations received for compliance with these rules and shall reject any that do not so comply; provided that in the event that a defect is found in any nomination, the Returning Officer shall before rejecting the nomination notify the person concerned of the defect, and, where it is practicable to do so, give the person the opportunity of remedying the defect within seven days of being notified.
- g) Multiple Nominations
- (i) Where in any election (or in concurrent elections) a person nominates for more than one full time office, the person shall, before the closing time for the receipt of nominations, withdraw all necessary nominations so that only one such nomination remains with the Returning Officer.
 - (ii) If a person has not withdrawn sufficient nominations so as to comply with this rule, the Returning Officer shall consider only the nomination that was received first in time.
 - (iii) Where nominations have been received simultaneously, or where the Returning Officer is unable to determine which nomination was received first in time, the Returning Officer shall invite the person to withdraw all necessary nominations so that only one nomination remains with the Returning Officer.
 - (iv) If 7 days after the person is invited to withdraw all necessary nominations the person has not withdrawn sufficient nominations so as to comply with this rule, the Returning Officer shall reject all nominations for that person.

- h) If there be no more nominations than the number to be elected for any position, the Returning Officer shall declare the nominated person/s to be elected to the position/s.
- i) A candidate who has been nominated in an election may, by notice in writing addressed to the Returning Officer, withdraw the nomination at any time before the printing of the ballot papers.
- j) After the close of nominations, the Returning Officer shall advise each of the candidates the names of the other candidate or candidates.
- k) The day on which the roll of voters for the ballot is to be closed shall be on the seventh day prior to the opening of nominations. The Returning Officer shall compile the roll of voters and may for that purpose direct the National or State Secretary of the Union to provide such membership information as is required.
- l) Candidates shall have the right on request, to scrutinise the roll of voters.
- m) If more than the required number of nominations are received for any position, the Returning Officer shall have ballot papers printed containing the name of the candidates for each position in an order chosen in accordance with subrule (n) herein, indicating the number to be elected to each position, the manner in which votes shall be recorded and the date and the time of closing of the ballot.
- n) The order of candidates' names on ballot papers will be determined by lot, the drawing of which shall be conducted at a time that will be determined by the Returning Officer. The candidates will be notified of such date and time.
- o) The ballot shall open on a date to be determined by the Returning Officer provided that such date shall fall between the 1st and the 15th of April. The ballot shall close at 12pm on a date to be determined by the Returning Officer provided that such date must be no earlier than 21 days after the opening of the ballot.
- p) The Returning Officer shall initial and forward by prepaid post to every member entitled to vote a ballot paper together with an envelope containing the ballot paper marked "Ballot paper – Australian Manufacturing Workers' Union", a declaration envelope and a prepaid envelope addressed to the Returning Officer.
- q) At the opening of the ballot, the envelope posted to voters containing the ballot papers shall be marked: "if undeliverable return to P.O. Box No.....".
- r) The Returning Officer shall check the number of ballot papers printed and obtain a certification from the printers. All surplus ballot papers shall be returned to the Returning Officer.
- s) A voter shall cast their vote by completing their ballot paper in accordance with any direction to voters and by posting the ballot paper so as to reach the Returning Officer no later than the closing date of the ballot.
- t) Replacement Election Material

- (i) Where a ballot paper, envelope, any directions to voters or any other document for use in the ballot forwarded to a person on the roll of voters has not been received by him/her or has been lost or destroyed, the person may, before the closing date of the ballot, on stating the grounds of his/her application and that he/she has not previously voted in the ballot, apply in writing to the Returning Officer for a duplicate ballot paper, replacement envelopes, directions or other document for use in the ballot, as the case may be.
- (ii) Where an application is made under paragraph (i) and the Returning Officer is satisfied that the ballot paper, envelope, directions and other document has not been received or has been lost or destroyed, and that the applicant has not previously voted in the ballot he/she shall forward to the applicant a duplicate ballot paper, replacement envelopes, directions or document, as the case may be.
- u) As soon as practicable after the closing date of the ballot, the Post Office Box shall be cleared by the Returning Officer to begin the counting.
- v) A ballot paper shall be informal if:-
 - (i) it does not bear the initials of the Returning Officer;
 - (ii) it has upon it a mark or writing by which the voter can be identified;
 - (iii) it is not marked substantially in accordance with any directions to voters by the Returning Officer and the intention of the voter is not clear; or
 - (iv) it is not returned in the declaration envelope provided to the voter with the ballot paper and / or the declaration envelope is not in the prepaid or business reply paid envelope addressed to the Returning Officer provided to the voter with the ballot paper.
- w) No later than 14 days after completion of the count of the ballot, the Returning Officer shall declare the result by issuing to the National Council or State Council as the case may be a statement in writing setting out:-
 - (i) the number of ballot papers printed;
 - (ii) the number of ballot papers posted to persons on the roll of voters;
 - (iii) the number of duplicate ballot papers issued;
 - (iv) the number of formal votes cast;
 - (v) the number of votes rejected as informal; and
 - (vi) the number of votes received by each candidate.The Returning Officer shall, at the time of issuing the statement, cause a copy of the statement to be forwarded to each candidate at the election.
- x) In the event of a tie occurring in any ballot, the result shall be determined by the Returning Officer drawing lots provided that if one of the tied candidates is a retiring office holder from the position subject of the ballot he or she shall be declared elected.
- y) A person declared elected shall take office from 1 July immediately following the ballot.

- z) Where, for whatever reason, the Returning Officer is unable to declare an election under this part prior to 1 July, a person declared elected shall take office on the first business day immediately following the declaration of the ballot.

7. Scrutineers

- a) Each candidate shall have the right to appoint a Scrutineer(s), who shall be entitled to be present at all stages of the ballot, without cost to the Union. The candidate appointing the scrutineer(s) shall, before the closing of nominations, notify the Returning Officer in writing of the name of such scrutineer(s). The Returning Officer may limit the number of scrutineers nominated by each candidate as they deem reasonable in the circumstances.
- b) Scrutineers may be present during the whole conduct of the ballot and at every operation from receipt of nominations to final count of the ballot.
- c) Scrutineers shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote in the count, but the Returning Officer shall have final determination of any vote so queried.
- d) Scrutineers shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election.
- e) Scrutineers shall not interfere with or attempt to influence any member at the time such member is casting his or her vote.

8. Extraordinary or Casual Vacancies

~~Except where National Council resolves that an office not be filled, WwW~~ Where an extraordinary or casual vacancy arises (howsoever occurring) in an office which is the subject of this Rule, it is to be filled according to this subrule:

a) Elections to office

Where the unexpired part of the term of office exceeds three years, a casual vacancy is to be filled by an election for all or part of the unexpired term of office, in accordance with subrule (i) below and then in accordance with rule 6A – Direct Elections subrules 1,2,3,4,5,6,7 and 9.

- (i) The Returning Officer shall, as soon as practical, conduct an election for the office in accordance with rule rule 6A – Direct Elections subrules 1,2,3,4,5,6 (excluding 6(b) and 6(o) and subrules 7 and 9 except that the Returning Officer shall:

- A. determine the dates for the opening and closing of nominations; and
B. subject to subrule (ii) below, determine the dates for the opening and closing of the ballot.

- (ii) Where practicable, the Returning Officer will open the ballot for a casual vacancy election in the months of December, May or October immediately following the declaration of the ballot as required by subrule 6(w).

- (iii) The person elected to the vacancy shall take up the office on the first day of the month following the declaration of the result of the election; and
- (iv) The person elected to the vacancy shall hold the office only for the remainder of the unexpired term; and
- (v) until the casual vacancy election is concluded, the appropriate "Appointment Body" listed for a particular office at paragraph (c) below may appoint to the office a person eligible for election to the office.

b) Appointments to office

Where the following conditions are met, the "Appointment Body" listed for a particular office at paragraph (c) below may appoint to an office a member of the Union eligible to hold the office:

- (i) A casual vacancy may be filled by the appointment for all or part of the unexpired term of office provided that the appointment does not exceed three years except that a casual vacancy in an office of State Organiser shall not be filled if to fill that vacancy would be contrary to the budget requirements or determinations of National Council;
- (ii) Temporarily, pending the conduct of an election to fill a casual vacancy, where a casual vacancy may not be filled by the appointment because the unexpired part of the term of office exceeds three years;
- (iii) Temporarily, pending the commencement of a term of office of a person elected to fill a casual vacancy;
- (iv) During a temporary unavailability of the holder of an office to exercise the functions of the office for the period of the temporary unavailability.

c) Appointment body:

- (i) The National Council is the appointment body for the positions of National President, National Secretary and Assistant National Secretary
- (ii) The relevant State Council is the appointment body for the positions of State Secretary, Assistant State Secretary, State Organiser, Delegate to National Conference, Delegate to State Conference, State Councillor and Member of the State Administrative Committee in or from that State.

9. System of Voting

- a) Where in a ballot under this rule no more than one candidate is to be elected to an office, voting shall be on an optional standard preferential basis, namely, the successful candidate shall be:-
 - (i) where any one candidate receives more than one half of the primary votes cast, that candidate;

- (ii) in any other case, the candidate who first receives more than half of the votes cast after the elimination of the candidate or candidates receiving the least or a lesser number of primary votes cast and the distribution of the votes cast in favour of that candidate or those candidates in accordance with the next preference of the voters concerned.
- b) Where in a ballot under this rule more than one candidate is to be elected to the offices voting shall be on an optional multi preferential basis, namely, the successful candidate or candidates shall be the candidate or candidates who receive the highest or a higher number of primary votes cast after the elimination of the candidate or candidates receiving the least or a lesser number of primary votes cast and the distribution of the first preferences cast in favour of that candidate or those candidates in accordance with the next preference of the voter or voters concerned.

A member voting shall indicate preference in order at least up to the number required to be elected to cast a valid vote. The indication of preference beyond the number required to be elected is optional.

In this paragraph the phrase "primary votes cast" shall refer only to all votes cast up to the required number of persons needed to fill the relevant multiple offices, and the phrase "preferences cast" refers only to preference votes recorded by a voter beyond the required number of persons needed to fill the relevant multiple offices.

6A.10 –DIRECT ELECTIONS – TRANSITIONAL PROVISION

- a) There shall be a Transitional Period for the purposes of elections under this subrule.
- b) Except as provided below, the offices listed in this sub rule 6A.10 shall be subject to election consistent with sub rules 6A 1 to 6A 9 above.
- c) The transitional provisions in sub rules d) and e) below will apply in respect of the Direct Elections scheduled for the first six months of 2019 only.
- d) **Assistant National Secretaries**
 - For-During the transitional period, there shall be Assistant National Secretaries who shall be elected by a secret postal ballot as follows:
 - (i) One shall be elected by and from the financial members of the Manufacturing Membership;
 - (ii) One shall be elected by and from the financial members of the Vehicle Division.
 - (iii) One shall be elected by and from the financial members of the Printing Division.
- e) **Assistant State Secretaries**
 - For-During the transitional period, there shall be Assistant State Secretaries who shall be elected by a secret postal ballot as follows:
 - (i) In NSW:
 - A. one shall be elected by and from the financial members of the Manufacturing Membership;
 - B. one shall be elected by and from the financial members of the Vehicle Division;
 - C. one shall be elected by and from the financial members of the Food and Confectionery Division;
 - D. one shall be elected by and from the financial members of the Printing Division.
 - (ii) In Victoria:
 - A. one shall be elected by and from the financial members of the Manufacturing Membership;
 - B. one shall be elected by and from the financial members of the Vehicle Division;
 - C. one shall be elected by and from the financial members of the Food and Confectionery Division;
 - D. one shall be elected by and from the financial members of the Printing Division.
 - (iii) In Queensland:
 - A. one shall be elected by and from the financial members of the Manufacturing Membership;
 - B. one shall be elected by and from the financial members of the Vehicle Division;

- C. one shall be elected by and from the financial members of the Printing Division.
- (iv) In South Australia:
 - A. one shall be elected by and from the financial members of the Branch as a whole excluding those members allocated to the Vehicle Division;
 - B. one shall be elected by and from the financial members of the Vehicle Division;
- (v) In Western Australia:
 - A. one shall be elected by and from the financial members of the Branch;

f) Additional Honorary State Councillors

During the transitional period, there shall be Additional Honorary State Councillors pursuant to subrule 5E.1(j) who shall be elected by a secret postal ballot as follows:

(i) In NSW:

A. one shall be elected by and from the financial members of the Vehicle Membership Area.

(ii) In South Australia:

A. one shall be elected by and from the financial members of the Print Membership Area.

(iii) In Western Australia:

A. one shall be elected by and from the financial members of the the Print Membership Area.

fg) Casual Vacancies

Where a vacancy arises in any office listed in sub rules d), ~~and e)~~ and f) above between following the conclusion of the transitional elections scheduled for the first six months of 2019 and 30 June, 2023, the following provisions will apply:

- (i) Where a vacancy arises in the office of Assistant National Secretary from the Manufacturing, Vehicle or Printing membership areas other than by way of a bona fide redundancy, the office will be filled consistent with the casual vacancy provisions of these Rules.
- (ii) Subject to subrule (iev) below, where a vacancy arises in the office of Assistant National Secretary from the Manufacturing, Vehicle, or Printing membership areas by way of a bona fide redundancy, the office will be abolished.
- (iii) Where a vacancy arises in the office of Assistant State Secretary from the Manufacturing, Vehicle, Food and Confectionery or Printing membership areas or in the office Additional Honorary State Councillors pursuant to subrule 5E.1(j) other than by way of bona fide redundancy, the Assistant National Secretary from the same membership area in which the vacancy has arisen (either Manufacturing, Vehicle, Food and Confectionery or Printing) shall determine whether for the remainder of the transitional period the vacant

position shall be filled. In making that determination that Assistant National Secretary shall consult the National Secretary and the relevant State Secretary.

(iv) Subject to subrule (iev) below, where a vacancy arises in the office of Assistant State Secretary from the Manufacturing, Vehicle, Food and Confectionery or Printing membership areas by way of a bona fide redundancy, the office will be abolished.

(v) The abolition of any redundant position arising from subrules (bii) and (div) above may be avoided where National Council resolves that another office or position is consequently abolished or not filled.

gy)h The transitional provisions in sub rules hi), ij) and kj) below will apply to the Direct Elections scheduled for the first six months of 2019 only.

hi) Delegates to National Conference

~~For~~ During the transitional period, the elections for the Delegates to the National Conference shall be determined and conducted as follows:

(i) A total number of Rank and File Delegates to the National Conference shall be determined for each State consistent with Rule 5A1.2.

(ii) The determination of the total number consistent with paragraph (i) above shall be based on the number of financial members at the end of the December Quarter, 2018.

(iii) The total number so determined for each State shall then be proportionally allocated across the Manufacturing, Vehicle, Food and Confectionery and Print membership areas (where they are established in a given State) based on the number of financial members at the end of the December ~~September~~ Quarter, 2018.

(iv) The elections will otherwise be conducted pursuant to the Direct Election provisions of these Rules.

(v) Where a casual vacancy arises during the period from the declaration of the election for the office of Delegate to National Conference in the first six months of 2019 to 30 June, 2023, the vacancy shall be filled pursuant to the Casual Vacancy provisions of the Rules except that eligibility to nominate for the vacancy shall be restricted to a member who at 30 June, 2019~~31 December, 2018~~ was allocated to the same membership area from which the vacancy has arisen, ~~or - for persons who were not members of the Union at 30 June 2019 - would have been allocated to that membership area.~~

ij) Delegates to State Conference

~~For~~ During the transitional period, the elections for the Delegates to the State Conferences shall be determined and conducted as follows:

(i) A total number of Rank and File Delegates to the State Conference shall be determined for each State consistent with Rule 5D1.2.

- (ii) The determination of the total number consistent with paragraph (i) above shall be based on the number of financial members at the end of the December Quarter 2018.
- (iii) The total number so determined for each State shall then be proportionally allocated across the Manufacturing, Vehicle, Food and Confectionary and Print membership areas (where they are established in a given State) based on the number of financial members at the end of the December Quarter 2018.
- (iv) The elections will otherwise be conducted pursuant to the Direct Election provisions of these Rules.
- (v) Where a casual vacancy arises during the period from the declaration of the election for the office of Delegate to State Conference in the first six months of 2019 to 30 June, 2023, the vacancy shall be filled pursuant to the Casual Vacancy provisions of the Rules except that eligibility to nominate for the vacancy shall be restricted to a member who at 31 December, 2018~~30 June 2019~~ was allocated to the same membership area from which the vacancy has arisen, or - for persons who were not members of the Union at 30 June 2019 - would have been allocated to that membership area.

jk) State Organisers

During ~~For~~ the transitional period, the elections for the State Organisers shall be determined and conducted as follows:

- (i) The National Conference shall determine a formula which shall set the maximum number of State Organisers for election in 2019 from each membership area of the Union in each State.
- (ii) Subject to the maximum number set in paragraph (a) above, each State Conference or, where Conference is not in session, each State Council, shall determine the number of State Organisers for election in 2019.
- (iii) The elections will otherwise be conducted pursuant to the Direct Election provisions of these Rules.
- (iv) Where a casual vacancy arises during the period from the declaration of the election for the office of State Organiser in the first six months of 2019 to 30 June, 2023, the vacancy shall be filled pursuant to the Casual Vacancy provisions of the Rules except that eligibility to nominate for the vacancy shall be restricted to a member who at 31 December, 2018~~30 June 2019~~ was allocated to the same membership area from which the vacancy has arisen, or - for persons who were not members of the Union at 30 June 2019 - would have been allocated to that membership area.

6B - HONORARY ELECTIONS AT NATIONAL CONFERENCE

New Rule

Elections will be held at each ordinary meeting of National Conference.

1. Female Delegates to National Council

Offices to be Elected

If required by the operation of sub-rule 5B1.2(a), ~~(National Council Rule)~~ elections may be conducted at each ordinary meeting of National Conference in accordance with this rule for the honorary office of female Delegates to National Council

- a) Such elections shall be conducted by the National Returning Officer.
- ~~b) For the purposes of sub-rule 5C.2(a) the 'Proportion' shall be calculated on the basis of the proportion of female financial members to male financial members as at 31 December immediately prior to the ordinary National Conference.~~

e)b) Conduct of Elections

Elections at National Conference as required shall be conducted consistent with the provisions of Rule 6C – Honorary Elections at State Conference and specifically sub rules 2, 3, 4, 5, 6, ~~7~~, 8, 9, 10, 11, 13, 15, 16, 17, 18, 19, 20, 21, 22, 24 except that for the purpose of elections at the National Conference, any reference in those subrules to 'State Conference' shall be read as 'National Conference' and any reference in those subrules to 'State Council' shall be read a 'National Council'.

Casual Vacancies for Offices

- ~~a) A casual vacancy of an office elected under this rule may be filled by appointment by the National Council in the following circumstances:
 - ~~(i) for all or part of the unexpired term of office provided that the appointment does not exceed three quarters of the term of the office;~~
 - ~~(ii) temporarily, pending the conduct of an election to fill a casual vacancy, where a casual vacancy may not be filled by the appointment because the unexpired part of the term of office exceeds three quarters of the term of the office;~~
 - ~~(iii) temporarily, pending the commencement of a term of office of a person elected to fill a casual vacancy;~~
 - ~~(iv) during a temporary unavailability of the holder of an office to exercise the functions of the office for the period of the temporary unavailability.~~~~

- ~~b) A casual vacancy of an office elected under this rule is to be filled by a secret postal ballot in accordance with subrules (i) and (ii) below before applying any other rules or subrules:~~
- ~~(i) As soon as practicable after the occurrence of the vacancy the Returning Officer shall:~~
- ~~A. determine the dates for the opening and closing of nominations the latter being a day no later than twenty one days after the former date; and~~
- ~~B. determine the place for lodging nominations; and~~
- ~~C. call for nominations by advising each member on the roll of voters, identified at subrule 1 above, at the opening date for lodging nominations, by notice in writing posted to each member on the roll of voters setting out the dates and place so determined and the place or places where nomination forms for use in the election are available.~~
- ~~(ii) Subject to subrule B below, the Returning Officer shall determine the opening and closing dates of the ballot:~~
- ~~A. where the opening date of the ballot is a day no sooner than two week after the closing date for lodging nominations and the closing date of the ballot is a day no sooner than 21 days after the opening of the ballot; and~~
- ~~B. where practicable, the Returning Officer will open the ballot for a casual vacancy election in the months of November or May immediately following the declaration of the ballot.~~
- ~~(iii) As soon as practicable after the closing date of the ballot, the Post Office Box shall be cleared by the Returning Officer to begin the counting.~~
- ~~(i) Subrules 6(a), 6(b), 7, 8(a), 8(b), 10, 14, 16, 17, 18, 19, 20 and 24 of Rule 6C – Honorary Elections at State Conference;~~
- ~~(ii) The declaration shall be made no later than three days after completion of counting of ballot papers.~~
- ~~c) A person elected to fill the unexpired portion of a term of office under paragraph (b) of this subrule:~~
- ~~(i) shall take up office on the declaration of the result of the election;~~
- ~~(i) shall, subject to these rules, hold office until the election of a successor; and~~
- ~~(ii)(i) until the person elected to the vacancy takes up office, the National Council may appoint to the office a person eligible for election to the office.~~

2. Delegate to National Council Representing the Three Smallest States

Elections will be conducted at each ordinary meeting of National Conference in accordance with this rule for the honorary office of Delegate to National Council Representing the Three Smallest States pursuant to subrule 5B1.1(h).

a) Such elections shall be conducted by the National Returning Officer.

b) Eligibility for this election shall be determined consistent with sub-rule 5B.1.(h).

c) Conduct of Elections

Elections at National Conference as required shall be conducted consistent with the provisions of Rule 6C – Honorary Elections at State Conference and specifically sub rules 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 15, 16, 17, 18, 19, 20, 21, 22, 24 except that for the purpose of elections at the National Conference, any reference in those subrules to 'State Conference' shall be read as 'National Conference' and any reference in those subrules to 'State Council' shall be read as 'National Council'.

3. Casual Vacancies

Casual vacancies arising in the offices subject to subrules 1 and 2 above shall be subject to the election and appointment provisions of Rule 6C.23 except that any reference to 'State Council' in that subrule shall be read as 'National Council'.

**6B – COLLEGIATE HONORARY ELECTIONS AT NATIONAL CONFERENCE–
TRANSITIONAL PROVISION**

New Rule

Transitional Elections

4. The offices listed in subrules 5, 6 and 7 below shall be elected at the 2019 National Conference and shall cease on 1 July, 2023. There shall be a Transitional Period for the purposes of the elections listed below from 1 July, 2019 to 30 June, 2023.
5. Assistant National Secretary ~~offrom~~ the Food and Confectionery ~~Division Membership Area~~
 - a) At the first meeting of the National Conference convened after 30 June, 2019, there shall be an election for the honorary transitional office of Assistant National Secretary ~~from the~~ of the Food and Confectionery ~~Division membership area~~:
 - (i) by the Delegates to National Conference allocated to the Food and Confectionery membership area; and
 - (ii) from the Assistant State Secretaries from the Food and Confectionery Division who are employed by the Union at the time of the election.
 - b) Where a vacancy arises following the election referred to in subrule (a) above, the vacancy will be filled:
 - (i) by a ballot of the National Conference Delegates who are allocated to the Food and Confectionery membership area at the time of the casual vacancy election; and
 - (ii) from the Assistant State Secretaries who, at the time of the casual vacancy election, are employed by the Union and allocated to the Food and Confectionery Division membership area.
 - c) The elections referred to in subrules (a) and (b) above shall be conducted subject to the provisions of subrule 6C.23 except that any reference to 'State Council' in that subrule shall be read as 'National Council'.
6. **Additional Delegates to the National Council from the Vehicle, Food and Confectionery and Print Membership Areas**
 - a) For the transitional period, there shall be **three** additional Delegates to the National Council **with one to be elected from each of the Vehicle, Food and Confectionery and Print membership areas.**
 - b) The Delegates to National Council referred to in subrule (a) above shall be elected at the first meeting of the National Conference convened after 30 June, 2019 and shall be elected:
 - (i) by the Delegates to the National Conference from the Vehicle, Food and Confectionery and Print membership areas respectively; and

- (ii) from the State Conference Delegates from the respective membership area who are employed by the Union at the time of the election.
- c) Where a vacancy arises in the offices referred to in subrule (a) above, the vacancy will be filled:
 - (i) by a ballot of the National Conference Delegates who, at the time of the casual vacancy election, are allocated to the same membership area from which the relevant vacancy has arisen; and
 - (ii) from the State Conference Delegates who, at the time of the casual vacancy election are employed by the Union and allocated to the relevant membership area.
- d) The elections referred to in subrules (a), (b) and (c) above shall be subject to the provisions of subrule 6C.23 except that any reference to 'State Council' in that subrule shall be read as 'National Council'.

7. Additional Rank and File Delegates to the National Council

- a) For the transitional period, there shall be additional Rank and File Delegates to the National Council elected by and from the Rank and File Delegates to the National Conference.
- b) The number of additional Rank and File Delegates to the National Council to be elected shall be determined by the Returning Officer in the following manner:
 - (i) The total number of Delegates ~~who have beento be~~ elected to the National Council ~~following the elections required under~~ Rule 6C.1 and subrule 6 above shall be determined.
 - (ii) The total number of Rank and File Delegates ~~who have beento be~~ elected to the National Council ~~following the elections required by under~~ Rule 6C.1 shall be determined.
 - (iii) Where the proportion of Rank and File Delegates to the National Council in paragraph b)(ii) is less than 51% of the total number of Delegates in paragraph b)(i), the Returning Officer shall determine the number of additional Rank and File Delegates to National Council to be elected to ensure that the proportion of Rank and File Delegates to the National Council is a minimum of 51%.
- c) Where a vacancy arises in the offices referred to in paragraph (a) above, the vacancy will be filled by a ballot of the Rank and File Delegates to the National Conference.
- a)d) The elections referred to in paragraphs (a), (b) and (c) above shall be subject to the provisions of subrule 6C.23 except that any reference to 'State Council' in that subrule shall be read as 'National Council' and any reference to the "State Conference" in that subrule shall be read as "National Conference".

6C – HONORARY ELECTIONS AT STATE CONFERENCE

New Rule

Elections will be held at each ordinary meeting of State Conference.

1. Honorary Offices to be Elected

The following offices are the honorary offices of the Union to be elected at each ordinary meeting of the State Conference of each Branch of the Union in accordance with this rule:

a) State President and Vice President

(i) by the delegates to State Conference; and

(ii) from the rank and file delegates to State Conference who do not hold a full-time office and are not an employee of the Union.

b) State Councillors pursuant to subrules 5E1.1(a), (b), (h) and (i) and Rank and File Delegates to State Administrative Committee by and from the delegates to State Conference.

c) Rank and File National Councillors

(i) by the delegates to State Conference; and

(ii) from the rank and file delegates to State Conference who do not hold a full-time office and are not an employee of the Union.

d) Three Delegates to the National Council with one to be elected from each of the three largest States:

(i) by the delegates to the relevant State Conference; and

(ii) from the Delegates to the relevant State Conference who are employed by the Union.

2. The conduct of elections under this Part shall be by the State Returning Officer of the relevant Branch of the Union.

3. A person elected to an office under this rule shall take up office on the conclusion of the meeting of the Conference at which the election is conducted except:

a) where a ballot is not counted during the meeting of the Conference because of the operation of subrule 6C.22, a person elected to an office under this rule shall take up office from the declaration of election to office;

4. Subject to these rules a person elected to an office under this rule may stand for re-election.

Nominations

5. No less than twenty-one days before the first day of the meeting of the State Conference at which an election is to be conducted, the State Returning Officer shall, by notice in writing to each delegate to and member of the State Conference:

- a) advise the delegate or member of the conduct of the election, the office, and where there is more than one office bearing the same name, the number of the offices to which the election relates; and
 - b) call for nominations by advising the delegate or member of:
 - (i) the opening and closing dates for the lodging of nominations;
 - (ii) the place for lodging nominations; and
 - (iii) the place or places where nomination forms for use in the election are available.
6. A nomination under this Rule -
- a) shall be in writing, on the form prescribed by this rule, signed by the nominee and by one nominator, each of whom is:
 - (i) in the case of the election for State President, State Vice-President or National Councillor, a rank and file delegate to State Conference who does not hold a full-time office and is not an employee of the Union;
 - (ii) where the election relates to the State Administrative Committee and State Council, a delegate to the State Conference.
 - b) shall be forwarded to the State Returning Officer at place for lodging nominations advised under subrule 6C.5 so as to reach him/her no later than the time specified by this rule on the closing date of lodging nominations.
7. ~~DELETED. A member may be nominated as a candidate under this rule if the member:~~
- ~~a) is financial in the State in which the ballot is to be conducted for the position or positions specified in subrule 6C.1 at the closing date for lodging nominations; and~~
 - ~~b) was for the 12 months immediately preceding the closing date for lodging nominations:

 - ~~(i) employed as an employee in a trade or calling or branch thereof in or in connection with which the Union is registered;~~
 - ~~c) unemployed on account of illness, incapacity or inability to obtain employment;~~
 - ~~d) engaged in a full-time office of the Union after having been elected or temporarily appointed thereto; or~~
 - ~~e) employed as a salaried officer of the Union or another union associated enterprise specifically endorsed by the National Council.~~~~
8. The prescribed form of nomination shall -
- a) set out the name of the office, the number of nominators required, the opening and closing dates for lodging nominations and the place for lodging nominations;
 - b) shall be available on request by a delegate to or member of the State Conference during a period of not less than seven days immediately before the first day of the meeting of the State Conference at which the election is to take place; and
 - c) shall, during the period specified in paragraph (b) be available to the delegate or member -

- (i) at the registered State Office of the Union during its normal business hours; and
 - (ii) where a regional office has been established in a State, at that office during its normal hours of business.
- 9. At an election under this rule -
 - a) the opening date for lodging nominations shall be at 10.00 a.m. on the first day of the meeting of State Conference at which the election is to be conducted;
 - b) the closing date for lodging nominations shall be at 2.00 p.m. on the first day of the meeting. -
- 10. If the State Returning Officer finds a nomination to be defective, the State Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect and, where practicable, give the person an opportunity of remedying the defect within a reasonable time under the circumstances.
- 11. At the expiration of the closing date for lodging nominations:
 - a) where:
 - (i) the election relates to one office, only one candidate is nominated for election to the office;
 - or
 - (ii) in any other case, the number of candidates nominated is not greater than the number of offices each bearing the same name, the subject of the election,the State Returning Officer shall declare to the State Conference that candidate or those candidates, as the case may be, elected unopposed to the office or offices respectively.
 - b) Where the number of nominations exceeds the number of positions to be filled, the State Returning Officer shall make arrangements for the conduct of the secret ballot at the meeting of State Conference for each office referred to in subrule 1, and give such directions and take such action as he/she considered necessary for ensuring the secrecy of the ballot and for ensuring that no irregularities occur in or in connection with the ballot.

Ballots

- 12. At a ballot under this rule the rolls of voters shall be the delegates to State Conference.
- 13. A ballot under this rule shall commence no sooner than 3.00 pm. on the first day of the meeting of the State Conference. The ballot period will be no longer than 45 minutes duration.
- 14. Order of Ballot
 - a) Where at an election under this rule a delegate has nominated as a candidate for the office of vice-president and for the office of State Councillor or delegate to the Administrative Committee, the State Returning Officer, shall conduct the ballot in respect of the office of vice-president before the ballot, if any, in respect of the other office or offices.
 - b) Where a delegate, being a successful candidate at an election for the office of vice-president has also nominated as a candidate at an election for the other offices referred to in paragraph

- (a), that delegate shall become ineligible to continue as a candidate at the election in respect of that other office or other offices.
15. Subject to subrule 6C.22, a voter shall cast his/her vote in a ballot under this rule by completing the ballot paper provided to him/her by the State Returning Officer in accordance with the directions, if any, to voters and by placing the completed ballot paper in the ballot box in the control of the State Returning Officer at the meeting.
 16. Before the opening of the ballot, the Returning Officer shall cause ballot papers to be printed on which the names of the candidates appear in order determined by lot drawn by him/her, together with directions, if any, to voters for completing the ballot paper. A candidate may prior to the ballot papers being printed withdraw his/her nomination.
 17. A ballot paper shall be informal if:-
 - a) it does not bear the initials of the Returning Officer or a facsimile of those initials; or
 - b) it is not marked substantially in accordance with any directions to voters by the Returning Officer and the intention of the voter is not clear.
 18. Where in a ballot under this rule no more than one candidate is to be elected to an office, voting shall be on an optional standard preferential basis, namely, the successful candidate shall be:-
 - a) where any one candidate receives more than one half of the primary votes cast, that candidate;
 - b) in any other case, the candidate who first receives more than half of the votes cast after the elimination of the candidate or candidates receiving the least or a lesser number of primary votes cast and the distribution of the votes cast in favour of that candidate or those candidates in accordance with the next preference of the voters concerned.
 19. Where in a ballot under this rule more than one candidate is to be elected to the offices:
 - a) voting shall be on an optional multi preferential basis, namely, the successful candidate or candidates shall be the candidate or candidates who receive the highest or a higher number of primary votes cast after the elimination of the candidate or candidates receiving the least or a lesser number of primary votes cast and the distribution of the first preferences cast in favour of that candidate or those candidates in accordance with the next preference of the voter or voters concerned.
 - b) a member voting shall indicate preference in order at least up to the number required to be elected to cast a valid vote. The indication of preference beyond the number required to be elected is optional.
 - c) in this paragraph the phrase "primary votes cast" shall refer only to all votes cast up to the required number of persons needed to fill the relevant multiple offices, and the phrase "preferences cast" refers only to preference votes recorded by a voter beyond the required number of persons needed to fill the relevant multiple offices.

20. In the event of a tie occurring in any ballot, the result shall be determined by the Returning Officer drawing lots provided that if one of the tied candidates is a retiring office holder from the position subject of the ballot he or she shall be declared elected.
21. Counting and Declaration of the Ballot
- a) Subject to subrule 6C.22, where the time for the conduct of a ballot under this rule has expired the State Returning Officer shall forthwith proceed to the counting of the ballot papers completed by voters in accordance with this rule.
 - b) After the completion of the counting of ballot papers, the State Returning Officer shall declare the result of the election by issuing to the State Conference a statement in writing setting out:
 - (i) the number of ballot papers distributed to voters
 - c) the number of formal votes cast
 - d) the number of votes rejected as informal; and
 - e) the number of votes received by each candidate.
 - f) The State Returning Officer shall preserve and keep for a period of one year after the completion of the election under this rule all ballot papers and other documents coming into his/her possession in or in connection with the conduct of the election.
22. **Absent voting**
- a) Absent voting
 - (i) Any member who is entitled to vote at any election held under this rule and who will be unable to attend the meeting at which the election is to be conducted, may apply to the returning officer for ballot material to be sent to an address that the member so nominates.
 - (ii) The Absent Voting form to the returning officer shall be in writing signed by the voting delegate or member of the State Conference and shall set out the member's name and usual address and the address to which the member elects to have ballot material sent, and must be delivered to the returning officer prior to the time for the closing of nominations.
 - (iii) Where a returning officer receives a request for an absent vote made in the form described in this rule, the returning officer shall comply with that request. No ballot shall be counted until 14 days from the date of posting of the ballot paper/s by the returning officer, to provide the absent voter with reasonable opportunity to return the ballot paper/s to the returning officer.
23. **Casual vacancies for offices**
- a) A casual vacancy of an office elected under this rule may be filled by appointment by the State Council in the State in which the vacancy arises in the following circumstances:

- (i) for all or part of the unexpired term of office provided that the appointment does not exceed three quarters of the term of the office;
 - (ii) temporarily, pending the conduct of an election to fill a casual vacancy, where a casual vacancy may not be filled by the appointment because the unexpired part of the term of office exceeds three quarters of the term of the office;
 - (iii) temporarily, pending the commencement of a term of office of a person elected to fill a casual vacancy;
 - (iv) during a temporary unavailability of the holder of an office to exercise the functions of the office for the period of the temporary unavailability.
- b) A casual vacancy of an office elected under this rule is to be filled by a secret postal ballot in accordance with subrules (i) and (ii) below before applying any other rules or subrules:
- (i) As soon as practicable after the occurrence of the vacancy the Returning Officer shall:
 - A. determine the dates for the opening and closing of nominations the latter being a day no later than twenty-one days after the former date; and
 - B. determine the place for lodging nominations; and
 - C. call for nominations by advising each member on the roll of voters, identified at subrule 1 above, at the opening date for lodging nominations, by notice in writing posted to each member on the roll of voters setting out the dates and place so determined and the place or places where nomination forms for use in the election are available.
 - (ii) Subject to subrule B below, the Returning Officer shall determine the opening and closing dates of the ballot:
 - A. where the opening date of the ballot is a day no sooner than two week after the closing date for lodging nominations and the closing date of the ballot is a day no sooner than 21 days after the opening of the ballot; and
 - B. where practicable, the Returning Officer will open the ballot for a casual vacancy election in the months of September or March immediately following the declaration of the ballot as required by subrule 21.
 - (iii) As soon as practicable after the closing date of the ballot, the Post Office Box shall be cleared by the Returning Officer to begin the counting.
 - (iv) Subrules 6(a), 6(b), ~~7, 8(a)~~, 10, 11(b), 12, 14, 16, 17, 18, 19, 20, 21(b)-(d) and 24 of this rule shall apply;
 - (v) The declaration shall be made no later than three days after completion of counting of ballot papers.
- c) A person elected to fill the unexpired portion of a term of office under paragraph (b) of this subrule:

- (i) shall take up office on the declaration of the result of the election;
- (ii) shall, subject to these rules, hold office until the election of a successor; and
- (iii) until the person elected to the vacancy takes up office, the relevant State Council may appoint to the office a person eligible for election to the office.

24. Scrutineers

- a) Each candidate shall have the right to appoint a Scrutineer, who shall be entitled to be present at all stages of the ballot, without cost to the Union. The candidate appointing the scrutineer shall, before the closing of nominations, notify the Returning Officer in writing of the name of such scrutineer.
- b) Scrutineers may be present during the whole conduct of the ballot and at every operation from receipt of nominations to final count of the ballot.
- c) Scrutineers shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote in the count, but the Returning Officer shall have final determination of any vote so queried.
- d) Scrutineers shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election.
- e) Scrutineers shall not interfere with or attempt to influence any member at the time such member is casting his or her vote.

6D - STATE RETURNING OFFICERS ~~AND DEPUTY RETURNING OFFICER~~

Qualifications

Each State shall select a State Returning Officer and Deputy Returning Officer at each State Conference. Any member of the Union being financial and having been a member in the State concerned for the previous ~~seven~~four consecutive years and who is not the holder of any other office in, nor an employee of, the Union or of a section or division of the Union shall be eligible to be nominated at the conference for the position of State Returning Officer and Deputy Returning Officer.

The State Returning Officer shall, in accordance with these rules, conduct elections in the State or Region not conducted by the Australian Electoral Commission.

