

13 December 2018

Printing Industries Association of Australia  
Scheduled Election  
E2018/136

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# Election(s) Covered in this Report

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Organisation: Printing Industries Association of Australia  
Election: Scheduled  
Election Decision No/s: E2018/136

## Rules

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Rules used for the election: 162V: This rulebook incorporates the alterations of 01/01/2014 determined on 11/11/2013 (R2013/67)

Rules difficult to apply/interpret:

### **Rule 37 – Board**

The rule does not provide a mechanism for resolving a nomination that is made under both sub rule (1)(a) and (1)(b) if the person is successful at both.

For clarity, the rule needs to state that no one person can be elected to be a Board Member representing a state and “all members of the Association” – sub rules (1)(a) and (b) respectively. Further, that if a person is elected to ‘Board Member representing all members of the Association’, then his/her nomination for state representative is deemed to have been withdrawn (assuming that (1)(b) is thought to be the more superior office).

Alternatively, PIAA can consider a rule that prevents multiple nominations.

Both alternatives would deal with the issue of a person being elected under (1)(a) and (b) simultaneously.

### **Rule 88 – Elections**

#### **Rule 90 – Elections of Board Members**

A number of questions regarding the nomination process were asked at this election. To minimize confusion, the rules can be better written to state:

- Only the authorised representative of the member, in accordance with Rule 5 and 38 of the Association can nominate or be nominated for the election.
- The authorised representative must be properly authorised as such at the time of making the nomination. Note; see below for suggestion/s of properly authorising a representative.
- A nominator and nominee must belong to the same electorate in which he/she is nominating or voting in. For example a Western Australian candidate must

be a member in Western Australia and be nominated by a Western Australian member/s.

- A candidate and a nominator cannot be from the same member.

The Association should review whether Rule 88 (6) (c) is required. The rules do not provide a definition of a 'Director'. Further, in small organisations the authorised representative and candidate may be the 'Director' him/herself.

### **Rule 92 – Election of Office Bearers**

Similar to the above, I suggest additions to sub-rule (6) and for it to read, "Nominations may be made by members of the board who have been elected for the ensuing year. Members of the Board can self-nominate or be nominated by another member of the Board. Nominations shall be confined to such members of the Board. A nomination will not be valid unless a signed consent of the nominee is received by the Returning Officer before the closing date."

I note that sub rule (8), which asks voters to indicate an order of preference so that in the event of the elimination of a candidate (for example elected to a higher office) then an effective vote may still be cast, is different to the strike out method in Rule 88 (4) which was employed in the election of Board Members. I suggest that if my comments regarding Rule 37 is accepted, then an "order of preference" voting system may also be appropriate for Board Members. For example, if Candidate A is a candidate for a state and to represent all members, and is successfully elected to the later, then the remaining candidates in the state can still be counted instead of being "struck out" and not counted.

A further consideration for the Association, is whether the eliminated candidate's votes are then passed to the next preferred candidate on the ballot paper.

### **Rule 11 – Register of Members**

### **Rule 32 – Voting**

### **Rule 88 – Elections**

The Register of Members should also include electorate details or voting state of the member, especially where the member may be a multi-state member and/or if the office address is different to that of the voting state. Rule 32 and/or Rule 88 should then clarify that the member's electorate or voting state determines their voting entitlement for 37 (1) (a) and (b). For example, a

member who is in the electorate of Western Australian can only vote for the candidate for 'Board Member representing Western Australia' and the candidate for 'Board Member representing all members'.

Whilst it is clear that an authorised representative votes on behalf of the member, there is no mechanism in the rules for notifying the Association who the authorised representative is or when there is a change. I suggest a more formal mechanism is required. A simple rule such as, "Members must notify the Association in writing if and when the member's authorised representative changes. Notification must be in the form of *[insert requirement]*. Notifications received before close of business 5pm will take effect on the same day."

I also note that the roll closes 7 days before the posting of nomination forms in Rule 88 (6) – currently this rule refers to financial members, but the Association can also use this date to be the date for members to confirm their authorised representative. This option will reduce the issues encountered on the date candidates become authorised representatives and their eligibility to nominate. If this option is preferred, the rules need to specify this clearly.

For more details see the Model Rules on the AEC website:

[https://www.aec.gov.au/About\\_AEC/AEC\\_Services/Industrial\\_Elections](https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

## Roll of Voters

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Total number of voters on the Roll:	Various – see attached Contested Declaration of Results for Stage One
Number of apparent workplace addresses:	Not applicable
Number of non-current addresses:	Nil
Other matters pertaining to the roll of voters:	Nil

## Irregularities

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

Other irregularities identified, and action taken: Nil

## Other Matters

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Returning Officer actions required (Section 193) as the registered rules of the Association are silent in regards to the withdrawal of nominations.

Consequently, action was taken under Section 193(1)(b)(i) of the Fair Work (Registered Organisations ) Act 2009 to only allow for the withdrawal of nominations up to the close of nominations and not beyond. It was advised to candidates in the election notice and on the nomination form that withdrawal of nominations will not be accepted after the close of nominations.

## Signed

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13 December 2018

## Attachments

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- A. Declaration of results for:  
Stage One: Contested and Uncontested Offices – National
- B. Declaration of results for:  
Stage Two: Uncontested Offices - National