

SEAMEN'S UNION OF AUSTRALIA

FEDERAL OFFICE

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Ex 5

In reply quote

D228.

26th May, 1989.

PG:LD

Mr. J. P. O'Shea,
Industrial Registrar,
GPO Box 1994S,
MELBOURNE. 3001.

Dear Sir,

Re: Seamen's Union of Australia - Triennial Elections
Application for Exemption from Postal Ballot
Industrial Relations Act 1988 Section 198.

Under Section 133AA (3) of the Conciliation and Arbitration Act The Seamen's Union of Australia applied for exemptions from the conduct of its Triennial Elections 1979-1981, 1982-1984, 1985-1987, 1988-1990 on the grounds that the election conducted in accordance with the Rules of the organisation was likely to result in a fuller participation by members in the ballot than would result from a postal ballot and would afford to members entitled to vote an adequate opportunity of voting without intimidation.

Mr. K.D. Marshall and Mr. J. MacMahon, Industrial Registrars, granted a certificate exempting the Seamen's Union of Australia from the provisions of Section 133AA for each election. Triennial Elections were carried out in accordance with the Rules of The Seamen's Union of Australia. The Federal Returning Officer's report on membership and voting percentages in the 1988-1990 Triennial Election showed a 70.91% of financial members participation, with a return of 68.84% of financial members returning ballot papers.

Sub-Section 47 (1) of the Industrial Relations (Consequential Provisions) Act 1988 (The C.P. Act) applies to the Seamen's Union of Australia with an exemption granted by John McMahon Industrial Registrar on 5th June 1987 (Attachment).

The Seamen's Union of Australia now seeks future Triennial Elections be conducted under the Rules of the Union in force at the commencement of the Industrial Relations Act Section 198 (1) on grounds that the election under these Rules would comply with sub-section (3) of Section 198 in giving greater participation than by postal ballot and that they provide the opportunity of voting without intimidation.

The following are details of the application:-

- (1) The Rules of The Seamen's Union of Australia governing the Triennial Election are designed to meet the peculiarities of the maritime industry and the needs of the members serving in various types of ships and vessels both within Australia and overseas.

The Seamen's Union of Australia election procedure ensures seamen in port, at home, at outlying ports throughout Australia and on ships operating outside Australia the opportunity to vote and participate in the Union Election during the approximate four weeks the ballot is open.

During the 1988-90 Triennial Election conducted under The Seamen's Union of Australia Rules 70.91% of the financial members of the Union received ballot papers on application and 68.84% of the financial members returned the ballot papers to the Federal Returning Officer and participated in the Union Election - Details of these figures were forwarded to the Industrial Registrar on 18th January 1988 and are attached to this correspondence in the Federal Returning Officer's Report.

- (2) The use of a full postal ballot as prescribed could result in the ballot paper following a seaman to ships around various Australian ports and beyond after being forwarded from his home or postal address.

The ballot papers would not reach many seamen in time to enable them to cast a ballot during the period set for the return posting of ballot papers.

- (3) Although there is no express provision for absent voting, Union Rule 34 (c) and Rule 36 (4) have been regarded as imposing a duty on Returning Officers to grant absentee votes.

Seamen have voted in this manner from outlying Australian ports and overseas ports.

- (4) The Seamen's Union of Australia roll records addresses of members at residences, Post Office box numbers, care of Post Offices, various Branches of the Union throughout Australia, hotels, caravan camps and various shipping companies.

As seamen change ships or move on to other ports it is possible ballot papers posted to some of these addresses could result in irregularities.

The roll is available for inspection by the Industrial Registrar or his representative.

- (5) The Seamen's Union of Australia Rules 32 to 37 inclusive prescribe the basis of the Election procedures.

It is difficult to find an alternate procedure to this election system which is the best method of obtaining the highest participation by The Seamen's Union of Australia members in the election of their officials.

- (6) The 70.91% participation of financial members and return by 68.84% of financial members in the 1988-1990 SUA Triennial Election is recognised as being very high returns compared to most trade union elections.

To the best of our knowledge The Seamen's Union of Australia Election figures reveal a fuller member participation than most other maritime unions have achieved in some of their elections which were conducted by postal ballot.

- (7) The Federal Returning Officer's Report attached to this correspondence records the conduct and procedure of The Seamen's Union of Australia 1988-90 Triennial Election which resulted in 68.84% of the financial members returning their ballot papers, voting without intimidation and taking part in the Union ballot.

- (8) The initial step in the 1991-93 Triennial Election is the opening of nominations on 25th September 1990.

- (9) The Committee of Management of the Union on 14th April, 1989 resolved:

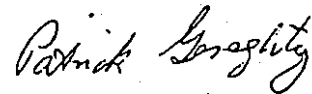
"In consultation with the Union's legal adviser, the Union apply for the exemptions to conduct its own elections in accordance with the Union Rules."

This resolution was endorsed unanimously at the April 1989 Stopwork Meetings of the Branches of the Union.

10. In making this application to you under Section 198, I assure you the procedures in respect to the Union Rules and absentee voting will be carried out.

A Union representative is available to elaborate this application should you wish this to be done.

Yours faithfully,



P. Geraghty,
Federal Secretary.



AUSTRALIAN INDUSTRIAL REGISTRY

PRINCIPAL REGISTRY

Our Ref: PH:SM:42
Your Ref:

Recd. 20/7/89	PO
Viewed	
Viewed	KAL
Referred	
No.	
File No.	

Federal Secretary
The Seamen's Union
of Australia
289 Sussex Street
SYDNEY NSW 2000

Dear Mr Geraghty,

Re: Application for an exemption from subsection 198(1) of the
Industrial Relations Act 1988

I refer to your application dated 26 May 1989, under subsection 47(2) of
the Industrial Relations (Consequential Provisions) Act 1988 (the C.P.
Act).

I enclose my certificate exempting The Seamen's Union of Australia from the
provisions of subsection 198(1) of the Industrial Relations Act 1988, under
subsection 47(2) of the C.P. Act.

Yours sincerely,

Paul Herrod
for INDUSTRIAL REGISTRAR

19 July 1989

Ex. 6


Industrial Relations (Consequential Provisions) Act 1988
s.47 application for exemption from postal ballots

The Seamen's Union of Australia
(R No. 89 of 1989)

CERTIFICATE

On 29 May 1989, The Seamen's Union of Australia, an organisation to which subsection 47(1) of the Industrial Relations (Consequential Provisions) Act 1988 applies, lodged in the Industrial Registry an application under subsection 47(2) for an exemption from subsection 198(1) of the Industrial Relations Act 1988.

I am satisfied that the rules of the organisation provide for the conduct of elections of the kind referred to in subsection 198(1) of the Industrial Relations Act 1988 by secret ballot other than postal ballot. I am also satisfied that the conduct of elections under those rules is likely to result in a fuller participation by members of the organisation in the ballot than would result from a postal ballot, and will afford to members entitled to vote an adequate opportunity of voting without intimidation. I therefore grant to the organisation, under subsection 47(2), an exemption from subsection 198(1) of the Industrial Relations Act 1988.


J.P. O'Shea
INDUSTRIAL REGISTRAR



18 July 1989