

Workplace Relations Act 1996
s.189 of Schedule 1B - arrangement for conduct of an election

Shop, Distributive and Allied Employees Association
(E2005/199)

T. NASSIOS
DEPUTY INDUSTRIAL REGISTRAR

MELBOURNE, 26 OCTOBER 2005

Arrangement for conduct of election.

DECISION

[1] On 19 October 2005, the Victorian Branch of the abovenamed organisation lodged in the Industrial Registry prescribed information in relation to an election for the following offices:

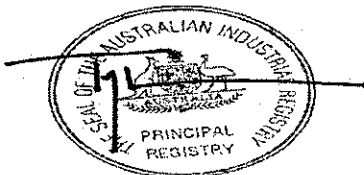
Victorian Branch

Division Delegates to Branch Conference from the following Divisions:

Metropolitan Division	20
Ballarat Division	2
Bendigo Division	2
Geelong Division	2
Mallee Division	1
Latrobe Division	1
Western Division	1
North-Western Division	1
Northern Division	1
North-Eastern Division	1
Gippsland and Central Division	1
Distribution Division	1
Mannequins and Models Division	1
Hair and Beauty Division	1

Branch Delegates to National Council 8

[2] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of Schedule 1B of the Workplace Relations Act 1996, I am making arrangements for the conduct of the election by the Australian Electoral Commission.





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14 October 2005

Industrial Registrar
Organisations Office
Australian Industrial Relations Commission
80 Collins Street
MELBOURNE 3000

State Secretary: Michael Donovan

E 2005/199

Dear Sir,

**Re: Election in Victorian Branch
Provision of Prescribed Information**

I advise that at a meeting of State Council held 13 October 2005, the following resolution was passed:

"Pursuant to Rules 40 and 43 State Council resolves that nominations for Division Delegates to Conference and Branch Delegates to National Council shall be called for by the Returning Officer on 13 December 2005 and shall close on 13 January 2005 and if a ballot is required it shall open on 9 February 2006 and close on 2 March 2006."

Therefore pursuant to the provisions of sub-section 189(1) of the RAO Schedule and pursuant to Reg 138(2) of the Workplace Relations (RAO) Regulations 2003 I state that I am authorised under the rules of the Association to sign this statement and that I state that the information contained in this letter is information lodged under sub-section 189(1) of the RAO Schedule.

PRESCRIBED DAY

The prescribed day for the purposes of subsection 189(2) of the RAO Schedule and for the purposes of Reg 138(3) of the RAO Regs is 12th October 2005.

The Association requests that pursuant to subsection 189(2) of the RAO Schedule that the Registrar determine the 15th October 2005 as the latest date before which the prescribed information is to be lodged.

The effect of setting a later date than that determined in accordance with the provisions of Reg 138(3) of the RAO Schedule is minimal as the extension sought is minimal. Further it would cause some difficulty to reconvene the State Council to alter the timetable for the forthcoming elections. Much thought was given to the timetable chosen. The Association asks that you exercise your discretion in favour of the Association.

PRESCRIBED INFORMATION

For the purposes of subsection 138(1)(a) of the RAO Regs I state that the name of each office or position for which an election is required are set out below, and for the purposes of Reg 138(1)(d) of the RAO Regs I state that the electorate for each position is set out below.

OFFICE	NUMBER OF THOSE OFFICES	ELECTORATE
Division Delegates to Branch Conference from the following Divisions:		
- Metropolitan	20	Metropolitan Division
- Ballarat	2	Ballarat Division
- Bendigo	2	Bendigo Division
- Geelong	2	Geelong Division
- Mallee	1	Mallee Division
- Latrobe	1	Latrobe Division
- Western	1	Western Division
- North-Western	1	North-Western Division
- Northern	1	Northern Division
- North-Eastern	1	North-Eastern Division
- Gippsland & Central	1	Gippsland & Central Division
- Distribution	1	Distribution Division
- Mannequins & Models	1	Mannequins & Models Division
- Hair & Beauty	1	Hair & Beauty Division
Branch Delegates to National Council	8	Victorian Branch

For the purposes of Reg 138(1)(b)(i) of the RAO Regs I state that the term of the office or position is due to expire in the normal course of events as the term of each office will expire in February 2006, being the completion of a 4 year term which commenced in February 2002 .

I state that no prescribed information is required under Reg 138(1)(c) of the RAO Regs as the number of positions to be elected is specified in the Registered Rules of the Victorian Branch of the Association.

For the purposes of Reg 138(1)(e) of the RAO Regs I state that the date of the beginning and end of the period in which nominations will be called for in relation to the election are as follows:

- Date of the beginning of the period in which nominations will be called is the 13th December 2005.
- Date of the end of the period in which nominations will be called is the 13th January 2006.

For the purposes of Reg 138(1)(e) of the RAO Regs I state that whilst no time was set as the time of the beginning and end of the period in which nominations will be called for in relation to the election the Association accepts that the date of the beginning of the period in which nominations are called commences immediately after Midnight on the 12th December 2005 and that the end of the period in which nominations are called would be at midnight on the 13th January 2006. I further state that the State Council in setting the timetable for this election did not specifically address the time for the start of nominations and the time for the end of nominations. However I am aware that the State Council operated generally on the understanding that in specifying a start and end date that a general presumption was made that the start and finish times respectively for the 13th December 2005 and the 13th January 2006 would be the usual business hours of the AEC.

It would be difficult to reconvene the State Council to specifically set the times under Reg 138(1)(e) of the RAO Regs. The Association accepts that the electoral official has certain powers under subsection 193(1) of the RAO Schedule which could be used to set actual

times on both the 13th December 2005 and the 13th January 2006 so as to avoid the possibility of any irregularity occurring.

For the purposes of Reg 138(1)(f) of the RAO Regs I state that pursuant to Rule 36(e) of the Registered Rules of the Victorian Branch that the day provide for in the rules of the organisation as the day on which the roll of voters is to be closed is the 6th December 2005, being 7 days before the day on which nominations in the election open.

For the purpose of Reg 138(1)(g) of the RAO Regs I state that a direct voting system is to be used in the conduct of the election

Yours sincerely

A handwritten signature in black ink that reads "Michael Donovan". The signature is written in a cursive, flowing style.

Michael Donovan
State Secretary