



Fair Work
Commission

MD 023 | 17 March 2023



Test your knowledge – Prescribed information for industrial elections

QRS registered organisation have a number of offices they want to fill with an election.

For all of the scheduled elections described below, the QRS rule book states that nominations open on **1 December 2020**.

How should QRS complete the prescribed information so the Fair Work Commission (the Commission) can issue a decision for the arrangement of the election?

Consider the facts below and insert the relevant information into the Commission's prescribed information template.



The Chief Executive Officer



The facts

- The CEO is described as an elected official under the rules. This is a scheduled election
- The CEO only acts in accordance with directions given to him/her by the Committee of Management, and has no voting powers.

The QRS rules

- Rule 10.1: Outlines the functions of the Chief Executive Officer.
- Rule 10.5: “The method of electing the Chief Executive Officer shall be by secret postal ballot of all financial members of QRS”.

Office of Treasurer



The facts

- There was a scheduled election earlier this year, but nobody nominated for the role.

The QRS rules

- Rule 16.6: “The Executive shall vote by secret postal ballot for the Treasurer”.



Office of Secretary



The facts

- Sam resigned from office on 1 August 2020
- At the time of resignation he had served 9 months of a 4 year term.

The QRS rules

- Rule 15.2: “Where the unexpired term of office of Secretary exceeds $\frac{3}{4}$ of the term of office, it shall be filled by an election. QRS can otherwise fill the office by an appointment or ordinary election”.
- Rule 15.5: “The method of electing the Secretary shall be by secret postal ballot of all financial members of QRS”.

Committee of Management



The facts

- This is a scheduled election
- As at 30 June 2020 QRS had 10,004 members.

The QRS rules

- Rule 18.3: “The method of electing the QRS Committee of Management shall be by secret postal ballot of all financial members of QRS”.
- Rule 18.4: “The number of offices of the QRS Committee of Management shall be determined in accordance with the following formula:

No. of financial members	Committee members
Less than 10,000	5
Between 10,000 – 19,999	7
20,000 +	9

To determine the number of members, regard will be had to the total number of financial members as at 5:00 pm AEST on 30 June”.



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Additional information about QRS:

On **1 August 2020**, QRS lodged an application with the **Fair Work Commission** to change their rules to include the new office of Assistant Secretary. The rule change has not yet been certified.

PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 of the *Fair Work (Registered Organisations) Act 2009* and Regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009*, with a request under Section 187 of the *Fair Work (Registered Organisations) Act 2009*

I, **Sophia Romano**, being the **President** of the **QRS** make the following statement:

1. I am authorised to sign this statement containing prescribed information for **QRS**.
2. The following information is lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. A copy of the request under section 187 for the AEC to conduct an election for the non-office positions is attached. **(relevant to the election of the Chief Executive Officer, as the position does not meet the definition of Officer in section 9 of the RO Act)**
5. The resignation letter or other supporting information is attached for each casual vacancy **(relevant to the office of Secretary)**.
6. Insufficient nominations were received in an earlier election **(Treasurer, E2019/1234)** and the declaration of results is attached.
7. A brief outline of the proposed rule alterations affecting elections is attached. These rule alterations have been lodged with the Fair Work Commission. The proposed alterations were lodged on **1 August 2020**.
8. This statement **IS** lodged at least 2 months before nominations open for the elections in Annexure A.
9. The number of elected representatives **(with respect to the Committee of Management)** is calculated on a formula defined in the rules:
 - a) The rule number which specify the formula is at **rule 18.4**
 - b) The formula(s) is

The number of offices of the QRS Committee of Management shall be determined in accordance with the following formula:

<u>No. of financial members of QRS</u>	<u>Committee members</u>
Less than 10,000	5
Between 10,000 – 19,999	7
20,000 +	9

To determine the number of members, regard will be had to the total number of financial members as at 5:00 pm AEST on 30 June.

- c) The information for calculating the formula is **10,004 financial members**
- d) The relevant date for this information is **30 June 2020**.

Signed: **Sophia Romano**

Dated: **17 September 2020**

Annexure A

- Elections that are required

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
For the election of officers					
QRS	Treasurer	1	Collegiate electoral system	Insufficient nominations	QRS executive, r 16.6
QRS	Secretary	1	Direct Voting System	Casual vacancy	All financial members, r 15.5
QRS	Committee of Management Members	7	Direct Voting System	Scheduled	All financial members, r 18.3
For the election of non-office positions, requested under s 187 of the RO Act					
QRS	Chief Executive Officer	1	Direct Voting System	Scheduled	All financial members, r 10.5

- Important dates:

	Direct Voting System	Collegiate Electoral System
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Nominations OPEN	Scheduled elections: 1 December 2020 (r 11.2) For all others – ‘To be determined by the returning officer’ (r 11.3) (preference: 1 December 2020)	‘To be determined by the returning officer (preference: 1 December 2020) (r 11.3)
Nominations CLOSE	Nominations to close after a period of 21 days (r 11.4)	Nominations to close after a period of 21 days (r 11.4)
Roll of Voters cut off date	‘On the fourteenth day prior to the opening of nominations’ (r 11.5)	‘On the fourteenth day prior to the opening of nominations’ (r 11.5)

NOTES: For insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as ‘To be determined by the returning officer’. This also applies where rules are silent as to the nominated dates. If the nomination dates are ‘To be Determined by the Returning Officer’, but your organisation has a *preference*, please state ‘To be Determined by Returning Officer’ and clearly indicate that your nominated date is a preference.