**CHECKLIST TO BE USED FOR THE CONDUCT OF AN ELECTION**

**WHEN AN ORGANISATION HOLDS AN EXEMPTION FROM THE ECQ CONDUCTING THE ELECTION UNDER s 812**

**APPOINTMENT OF A RETURNING OFFICER &**

**FILING PRESCRIBED INFORMATION**

INDUSTRIAL RELATIONS ACT 2016 – SECTIONS 669, 817 & 818

INDUSTRIAL RELATIONS REGULATION 2018 – SECTIONS 33, 34

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| **Appointment of returning officer** | **Act section** | √ or X orn/a |
| Before calling for nominations for election, the organisation must 1. appoint a returning officer to conduct the election, and
2. give the registrar –
3. notice of the returning officer’s name, and
4. a statutory declaration sworn by the returning officer stating he/she is not an employee, member or officer of the organisation or a branch of the organisation, and
5. obtain the registrar’s written approval of the returning officer’s appointment.
 | 817(1) |  |
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| An employee, member or officer of the organisation must not be appointed as the returning officer. | 817(2) |  |

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| **Organisation must file -** | **Act section** | √ or X orn/a |
| When proposing to conduct an election, the organisation or branch must file the information prescribed under regulation 33. (Form 65) | 669(1) |  |
| The information must be filed before the day prescribed under regulation 33(4) – see 33(4) below. | 669(2) |  |
| The Registrar may, on application, allow the information to be filed before a later stated day. | 669(3) |  |

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| **The prescribed information must contain -**  | **Regulation** | √ or X orn/a |
| The name of each office for which an election is required. | 33(1)(a) |  |
| Whether the election is because –1. the term of the office will be ending, or
2. there is a casual vacancy in the office, or
3. of a new office created under the organisation’s or branch’s rules.
 | 33(1)(b) |  |
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| The number of offices for election. | 33(1)(c) |  |
| The membership figures, if any, used to calculate the number of offices if –1. more than 1 office for which an election is required has the same name, and
2. the number of the offices can, under the organisation’s or branch’s rules, be calculated before the prescribed day under subsection (4).
 | 33(1)(d) |  |
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| If the electorate consists only of members of a branch, section or other division of an organisation – the name of the branch, section or division. | 33(1)(e) |  |
| The day and time of the start and end of the term for each office for which an election is required. | 33(1)(f) |  |
| Whether the organisation or branch has adopted the model election rules without change. | 33(1)(g) |  |
| If the organisation or branch has not adopted the model election rules or has adopted the model election rules with changes –1. whether the voting system for the election is a direct voting system or a collegiate electoral system.
2. How the organisation’s or branch rules require the result of the election to be decided.
 | 33(1)(h) |  |
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| The information under subsection (1)(h) may be given by giving the registrar a copy of the provisions of the organisation’s or branch’s rules that contain the information. | 33(2) |  |
| The prescribed information must be accompanied by a statement signed by an authorised officer of the organisation or branch stating the information is being filed under section 669(1) of the Act. | 33(3) |  |
| For s 669(2) of the Act, the prescribed day is the day 2 months before the first day on which a person may become a candidate in the election under the organisation’s or branch’s rules. |  33(4) |  |

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| **Election result report –** **to be checked after the conduct of the election** | **Act section** | √ or X orn/a |
| Within 14 days of the declaration of the result of the election, the returning officer must give the registrar a written election result report for the election stating the particulars prescribed under regulation 34. | 818 |  |
| **Prescribed particulars for election or ballot result reports** | **Regulation** | √ or X orn/a |
| How many ballot papers were printed. | 34(2)(a) |  |
| How many eligible members were on the roll for the election or ballot, including a supplementary roll. | 34(2)(b) |  |
| How many ballot papers were given. | 34(2)(c) |  |
| How many duplicate ballot papers were given. | 34(2)(d) |  |
| How many ballot papers were not given. | 34(2)(e) |  |
| How many ballot papers were returned other than as unclaimed mail. | 34(2)(f) |  |
| How many ballot papers were returned as unclaimed mail. | 34(2)(g) |  |
| How many ballot papers were not returned. | 34(2)(h) |  |
| How many votes were informal. | 34(2)(i) |  |
| How many votes were rejected for a reason other than being informal and the reason for each rejection. | 34(2)(j) |  |
| How many ballot papers were counted. | 34(2)(k) |  |
| The percentage of voters who voted. | 34(2)(l) |  |
| How many formal votes were for each candidate. | 34(2)(m) |  |
| If a preferential system of voting is used for an election – how many formal votes were for each candidate after distribution of preferences. | 34(2)(n) |  |