**CONDUCT OF ELECTION BY ELECTORAL COMMISSION**

INDUSTRIAL RELATIONS ACT 2016 - SECTIONS 669, 670

INDUSTRIAL RELATIONS REGULATION 2018 – SECTION 33

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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). | 669(2) |  |
| The Registrar may, on application, allow the information to be filed before a later stated day. *Organisation must file an application in accordance with this section at the same time they file Prescribed Information if the Prescribed Information cannot be filed at least 2 months before the first day a person may become a candidate for election using Form 57. Application must state reasons why PI could not be filed in prescribed timeframe. (This could be because the organisation’s rules do not specify a date that nominations open.) Organisation must ask for approval for PI to be filed on the later stated day. Registrar must approve timeframe issue before approving conduct of an election.* | 669(3) |  |

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| **Registrar must arrange for elections to be conducted by the electoral commission if -**  | **Act Section** | √ or X orn/a |
| The information prescribed under regulation 33 is filed, and | 670(a) |  |
| Satisfied the election is required to be held under the organsiation’s rules. | 670(b) |  |
| **Prescribed information -**  | **Regulation** | √ or X orn/a |
| The name of each office for which an election is required. | 33(1)(a) |  |
| Whether the election is because –(i) the term of the office will be ending, or(ii) there is a casual vacancy in the office, or(iii) 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 –(i) more than 1 office for which an election is required has the same name, and(ii) 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 –(i) whether the voting system for the election is a direct voting system or a collegiate electoral system.(ii) how the organisation’s or branch’s 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) |  |
| Must be accompanied by a statement signed by an authorised officer of the organisation 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) |  |