**CONDUCT OF OWN ELECTION**

**AN APPLICATION FOR EXEMPTION FROM REQUIREMENT THAT ECQ CONDUCTS ELECTION**

**INITIAL APPLICATION FOR APPROVAL**

INDUSTRIAL RELATIONS ACT 2016 - SECTIONS 812, 813, 814, 815

INDUSTRIAL RELATIONS REGULATION 2018 – SECTIONS 18, 20, 21, 24, 25, 27

INDUSTRIAL RELATIONS (TRIBUNAL) RULES 2011 – RULE 207

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| **Who may apply -** | **Act section** |
| An organisation or branch may apply to the registrar for an exemption from the requirement that the electoral commission conduct –1. elections for the organisation or branch, or
2. an election for a particular office in the organisation or branch
 | 812(1) |
| If an organisation’s rules require an office to be filled by an election by the members, or by some of the members, of 1 branch of the organisation, an election to fill the office is taken to be an election for the branch. | 812(2) |

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| **The application must -** | **Tribunal Rule or Regulation** | √ or X orn/a |
| Be in the chapter 12 approved form. (Form 56) | Rule 207 |  |
| State the grounds on which it was made. | Regulation 18 |  |

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| **Requirements for application -** | **Act section** | Is it attached ? |
| Application may be made only if the management committee has –1. resolved to make the application, and
2. gives the members of the organisation or branch notice, in the way prescribed under regulation 20, of the making of the resolution.
 | 813(1) |  |
| **How making of resolution is to be notified for Act, s 813(1)(b) -** | **Regulation** | √ or X orn/a |
| For section 813(1)(b) of the Act, the way of notifying a member of the organisation or branch of the making of the resolution is by -(a) giving the member a copy of the resolution, or(b) for an organisation or branch that gives its members a publication free of charge – including a notice of the making of the resolution in the publication. | 20 |  |

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| **Publication of application -** | **Act section** |  |
| The registrar must publish, in the way prescribed under regulation 21, a notice stating the details of the application. | 814 |  |

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| **Publishing notice for Act s 814 -** | **Regulation** | **Registrar to publish** |
| A notice stating details of the application must be published in (a) a newspaper circulating generally throughout the State; and(b) any other newspaper or publication the registrar considers appropriate. | 21(1) |  |
| The notice must be published within 21 days after the application is filed in the registry. | 21(2) |  |

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| **Objections – Who may object** | **Regulation** |
| A member of an organisation that has applied for an exemption from the requirement that the electoral commission conduct an election under s 812 of the act may object to the application | 24(3) |
| A person who may object to an application may give notice of objection to the industrial tribunal. (Registrar) | 24(5) |
| Notice of objection –Must be in the form provided for in the rules of court; andState the grounds on which the objection is made; andBe filed in the registry within 35 days after the publication of the notice of the application to which the objection relates….. | 25 |
| Hearing objection by Registrar | 27 |

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| **The Registrar must be satisfied -** | **Act section** | √ or X orn/a |
| The organisation’s rules comply with part 4 of the Act. | 815(a) |  |
| If the exemption is granted, for each election to which the exemption applies –1. the organisation’s rules and the obligations under subdivision 2 and part 7 will be complied with; and
2. the election will be conducted in a way that gives the organisation’s members who have the right to vote in the election an adequate opportunity of voting without intimidation.
 | 815(b) |  |
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| Subdivision 2 and part 7 have been complied with for any previous exemption granted to the organisation or branch under this subdivision. | 815(c) |  |