**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 or  n/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 or  n/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; and  State the grounds on which the objection is made; and  Be 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 or  n/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) |  |