

NOTICE FOR NECA MEMBERS ON NECA WEBSITE

On 29 August 2025 NECA received its Post-Election Report from the Australian Electoral Commission which included the following:

"One difficult rule was identified and the AEC requests the rule be updated using the model rules published by the Fair Work Commission".

The rule identified as difficult to apply is that part of rule 38.9(b) which in context reads:

"38.9 In relation to any election the Branch Returning Officer shall:-

.....

- (b) not later than 31 May in the current year forward by prepaid post to each financial member of the Branch (other than a service member) one ballot paper which the Returning Officer shall have previously initialled for such election together with a declaration envelope in the form prescribed by the Act"*

The PER states the reason why it is difficult in the following terms:

"The AEC is required under Rule 38.9(c)(i) to complete a ballot 'not later than 15 June in the current year'. The ballot being opened by no later than 31 May and closing by 15 June creates a restrictive time frame for posting, voting and returning the ballot back to the AEC by the voter."

The FWC 'model rules' referred to state:

Model rule BC 11.1 - The postal ballot shall open not later than 28 days after the close of nominations.

Model rule BC 11.3 – The postal ballot shall close at least 28 days after the opening of the ballot."

By letter dated 24 September 2025, NECA responded as follows:

"It is to be noted that the Table in rule 35.1 (itself uncontroversial) provides that the election for Branch Councillors is to be completed *"not later than 15 July each year"*. Accordingly, there seems to be no practical purpose to retain the specified date of "15 June" in rule 38.9(c)(i).

In respect of the matters raised above, and subject to considerations by its governing bodies, NECA proposes to that rule 38.9(c)(i) be altered along the following lines:

*"38.9. In relation to any ~~election~~ **postal ballot** the Branch Returning Officer shall:-*

.....

- (c) with each such ballot paper forward to each member a notification –*
- (i) of the closing date for the receipt of returned ballot papers which shall be ~~not earlier than 14~~ **at least 28** days after the forwarding of the ballot paper and not later than ~~15 June in the current year~~ **the due date of completion of the election stated in rule 35.1,**"*

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The organisation will seek to transact such alteration in time for adoption at its 2026 election round."
