

26 June 2026

Post-election report

United Workers' Union
Scheduled election
E2025/208

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Summary

The AEC has recently completed an election for the United Workers' Union.

Report requirements

After the completion of an election under the *Fair Work (Registered Organisations) Act 2009* (the Act) the AEC is required to prepare a post-election report. The report must cover the matters set out in section 141 of the Fair Work (Registered Organisations) Regulations 2009 (the Regulations). This includes:

- (a) a declaration of the results
- (b) any rules of the organisation or branch which because of ambiguity or other reason, were difficult to interpret or apply
- (c) any matters in relation to the roll of voters
- (d) the number of written allegations (if any) of irregularities made to the AEC during the election
- (e) action taken by the AEC in relation to those allegations
- (f) any other irregularities identified by the AEC and action taken by the AEC in relation to those other irregularities.

The AEC is required to identify adverse rules in the report. An adverse rule is one that the returning officer found difficult to interpret or apply to the election. The organisation must respond in writing to the AEC to any adverse rules within 30 days of the date of this post-election report.

Report findings

The AEC has identified eleven rules that were difficult to interpret or apply

The AEC has also identified 1 rule that could be improved by reference to the model rules. Model rules for elections were published on 30 June 2025 by the Fair Work Commission. The AEC recommends all organisations consider whether their rules could be improved or updated by reference to those rules.

Election covered in post-election report

Organisation:	United Workers' Union
Election decision no:	E2025/208
Election:	Scheduled
Date the nominations closed:	23 March 2026
Date nomination withdrawal closed:	30 March 2026
Date results declared:	1 April 2026 (uncontested)
Date ballot closed:	28 May 2026
Date results declared:	5 June 2026 (contested)
Date report due:	29 June 2026
Date organisation response due:	29 July 2026

Declaration of result of election

In accordance with regulation 140 of the Regulations, the AEC issued a declaration of the result of election E2025/208 for the uncontested offices on 1 April 2026 and, for the contested offices on 5 June 2026. For a copy, see Attachments A and B.

United Workers' Union rules

United Workers' Union rules used for the election:

108V: Incorporates alterations of 12 February 2024 [D2021/8] (replaces rulebook dated 9 November 2021 [R2021/156])

Rules that were difficult to interpret or apply:

Overall, the AEC found the UWU election rules challenging to apply, with difficult and contradictory rules. The AEC recommends the election rules be extensively reviewed and revised ahead of the next election.

Eleven difficult rules were identified that the AEC could not apply. The AEC requests the rules be updated using the model rules published by the Fair Work Commission (available at <https://www.fwc.gov.au/registered-organisations/running-registered-organisation/rules-unions-and-employer-associations>)

Under section 198 of the Act, the organisation must respond to the AEC on these matters in writing within 30 days. The organisation must otherwise satisfy the requirements outlined in section 198 and regulation 142(1), as extracted in Appendix A below. The AEC must advise the General Manager of the Fair Work Commission of a possible contravention of section 198(1) of the Act within 21 days.

DIFFICULT RULE	WHY IT IS DIFFICULT	MODEL RULE
Schedule 4: Rule 7 (i) Schedule 4: Rule 26 (b)	Does not provide a clear instruction as to the formality of ballot papers where the voter has marked both above the line and below the line.	No equivalent provision in FWC model rules – the model rules do not provide for above and below the line voting. Proposed clarification if above and below the line voting retained: For a ballot paper that is marked both above and below the line, the below the line figures take precedence and will count as the vote. If however if the below the line markings are informal, the above the line vote will be accepted, providing it is formal. [Alternatively, where a ballot paper contains both an above the line vote and a below the line vote, that ballot paper is informal].
Schedule 4: Rule 7 (h) Schedule 4: Rule 14 (b)	Does not provide a clear instruction on how to determine the order of candidate names if there are both team and individual nominations.	No equivalent provision in FWC model rules – the model rules do not provide for team nominations. Proposed clarification if above and below the line voting retained: The Returning Officer must determine the order of teams

DIFFICULT RULE	WHY IT IS DIFFICULT	MODEL RULE
		and individual candidates on the ballot paper by draw by lot. • If team nominations are received, the ballot paper must include a column for each team nomination (with the team name above the line and the candidate names below the line) and a column for individual candidates • If team nominations are received, a draw by lot is conducted first to determine the order that teams and the individual candidates (as a group) appear on the ballot paper ie left to right. • A separate draw by lot is then conducted to determine the order of individual candidates who are not part of a team. • The order of candidate names within a team is as specified in the team nomination and is not subject to a draw.
Schedule 4: Rule (9)(a)	Provides that a secret postal ballot be conducted seven (7) days after the closing of nominations. The organisation's large voter base, their remote locations and the complexity of the offices require sufficient time for the ballot papers to be produced, printed and posted.	Model rule BC11.1 – POSTAL BALLOT PERIOD The postal ballot shall open not later than twenty-eight (28) days after the close of nominations.
Schedule 4: Rule (6)(e)	Provides for a candidate's nomination may be withdrawn at any time prior to the commencement of the ballot. The organisation's large voter base, their remote locations and the complexity of the offices require sufficient time for the ballot papers to be produced, printed and posted.	Model rule BC7.8 – CLOSING AND ACCEPTANCE OF NOMINATIONS A nominee may withdraw their nomination by notice in writing, signed by them and delivered to the Returning Officer in a form acceptable to the Returning Officer, provided that such notice is received no later than seven (7) days after the closing time for the submission of nominations
Schedule 4: Rule 21(a) (ii) and 25	Rule 21(a) is not consistent with Rule 25. Rule 21(a) limits the steps that can be taken before the close of the ballot only to "open[ing] the Return Envelope" and "mark[ing] the voter on the roll as having voted". These steps also appear in Rule 25 but are phrased differently. Rule 21(a) also does not contemplate taking any of the other steps in rule 25 such as checking the ballot number and the signature on the declaration. This	Model rule BC15 PRELIMINARY SCRUTINY Details the approach for preliminary scrutiny and specifies the steps that can be taken prior to the close of the ballot. The model rule aligns with AEC systems and processes.

DIFFICULT RULE	WHY IT IS DIFFICULT	MODEL RULE
	means that the AEC cannot properly deal with multiple votes, unsigned declaration envelopes or other issues with declaration envelopes prior to the close of the ballot. Given this, Rule 21(a) in its current terms does not have the intended consequence of increasing the efficiency of the preliminary scrutiny process.	
Schedule 4: Rule 26 (b)(iv) the ballot paper does not comply with a direction given under Schedule 4 paragraph 15 (a)(iv); or	Rule requires correction. Rule 15 (a)(iv) does not exist in the rule book therefore cannot be applied.	Model rule BC16 SCRUTINY Details the approach for conducting the scrutiny, including determining formality.
Schedule 4: Rule 17	Rule 17(d) provides that the Returning Officer must issue a replacement/duplicate ballot pack to a voter if their application complies with the requirements of Rule 17(c). An application for a replacement/duplicate ballot pack complies with rule 17(c)(i) if it is received by the Returning Officer on or before the finish day of the ballot. Ballot packs must be returned to the Returning Officer on or before the finish day of the ballot to be counted. Given that UWU elections occur by postal ballot only, issuing a replacement/duplicate ballot pack on the day the ballot closes is impractical as voter will not be able to receive the ballot and return it in time to be counted.	Model rule BC13 DESTROYED, LOST DAMAGED ETC BALLOT PAPER Rule enables the returning officer to send out a substitute ballot pack when satisfied it has been destroyed, lost, damaged or misused. (The model rule does not specifically contemplate a timeline for making such an application). Proposed clarification: An application for a replacement/postal ballot pack must be received by the Returning Officer no more than 3 days before the finish day of the ballot.
Schedule 4: Rule 22(e) Schedule 4: Rule 24(a)	Rule 24(a) provides that subject to rule 22(e), each candidate may have only one scrutineer attend for each official present where the ballot is being conducted. Rule 22(e) provides that a scrutineer may only act for one candidate for the same position, or where a team has nominated, for all the candidates of that team. There is ambiguity as to whether this means that a team can have one scrutineer present <i>per candidate</i> in the team (with each scrutineer able to act for all candidates in the team), or that a team can have only one scrutineer present <i>for the whole team</i>.	No equivalent provision in FWC model rules – the model rules do not provide for team nominations.

Roll of voters

Total number of eligible voters on the Roll:	131,082
Percentage of work addresses:	2.11%
Percentage of return undelivered:	3.75%
Percentage of replacement postal vote packs sent:	1.44%

Allegations of any irregularities

This election was highly unusual with the number of issues and complaints raised with the AEC. The AEC received 9 written allegations of irregularities and 10 phone calls regarding irregularities. Allegations related to improper handling of ballot papers, voter coercion and replacement ballot pack requests. The AEC also issued 1891 replacement ballot packs to voters, which is significantly higher than usual.

Measures taken to manage and prevent irregularities include:

- requesting candidates remove content from social media
- issuing information to all candidates and voters on correct electoral processes
- seeking assurance of measures to the union had taken to ensure the membership list was correct
- removing ballot papers from the count when appropriately authorised by the voter
- ensuring members could only vote once and in accordance with the rules.

Signed
Chris King
Returning Officer
Australian Electoral Commission
E: IEBevents@aec.gov.au
P: 03 9285 7111
26 June 2026

Attachments

- A. Declaration of results for uncontested offices
- B. Declaration of results for contested offices

Appendix A - Relevant legal provisions

Fair Work (Registered Organisations) Act 2009 ('the Act')

197 Post election report by AEC

Requirement for AEC to make report

- (1) After the completion of an election conducted under this Part by the AEC, the AEC must give a written report on the conduct of the election to:
 - (a) the General Manager; and
 - (b) the organisation or branch for whom the election was conducted.

Note: The AEC may be able, in the same report, to report on more than one election it has conducted for an organisation. However, regulations made under paragraph 359(2)(c) may impose requirements about the manner and timing of reports.

- (2) The report must include details of the prescribed matters.

Contents of report—register of members

- (3) If the AEC is of the opinion that the register of members, or the part of the register, made available to the AEC for the purposes of the election contained, at the time of the election:
 - (a) an unusually large proportion of members' addresses that were not current; or
 - (b) in the case of a register kept by an organisation of employees—an unusually large proportion of members' addresses that were workplace addresses;

this fact must be included in the report, together with a reference to any relevant model rules which, in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: Model rules are relevant only to the conduct of elections for office, not for elections for other positions (see section 147).

Contents of report—difficult rules

- (4) If the report identifies a rule of the organisation or branch that, in the AEC's opinion, was difficult to interpret or apply in relation to the conduct of the election, the report must also refer to any relevant model rules, which in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: For model rules, see section 147.

Subsection (3) relevant only for postal ballots

- (5) Subsection (3) applies only in relation to elections conducted by postal ballot.

Note: An organisation can obtain an exemption from the requirement to hold elections for office by postal ballot (see section 144).

198 Organisation to respond to adverse report on rules

Organisation must respond to "difficult rules" report

- (1) If an organisation or branch is given a postelection report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report.

Civil penalty: 100 penalty units.

- (2) The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

Organisation must make its response available to members

- (3) The organisation or branch must also make available to its members the part of the report dealing with the difficult rule or rules (the **relevant extract**) and the organisation's or branch's response to it.
- (4) The relevant extract must be made available to members no later than the day on which the response is to be made available by the organisation or branch to members.

Civil penalty: 100 penalty units.

190 Organisation or branch must not assist one candidate over another

An organisation or branch commits an offence if it uses, or allows to be used, its property or resources to help a candidate against another candidate in an election under this Part for an office or other position.

Penalty: 100 penalty units.

193 Provisions applicable to elections conducted by AEC

- (1) If an electoral official is conducting an election, or taking a step in relation to an election, for an office or other position in an organisation, or branch of an organisation, the electoral official:
- (a) subject to paragraph (b), must comply with the rules of the organisation or branch; and
 - (b) may, in spite of anything in the rules of the organisation or branch, take such action, and give such directions, as the electoral official considers necessary:
 - (i) to ensure that no irregularities occur in or in relation to the election; or
 - (ii) to remedy any procedural defects that appear to the electoral official to exist in the rules; or
 - (iii) to ensure the security of ballot papers and envelopes that are for use, or used, in the election.
- (2) A person commits an offence if the person does not comply with a direction under subsection (1).
- Penalty: 30 penalty units.
- (3) Subsection (2) does not apply so far as the person is not capable of complying.
- Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).
- (4) Subsection (2) does not apply if the person has a reasonable excuse.
- Note: A defendant bears an evidential burden in relation to the matter mentioned in subsection (4), see subsection 13.3(3) of the *Criminal Code*.
- (5) An offence against subsection (2) is an offence of strict liability.
- Note: For **strict liability**, see section 6.1 of the *Criminal Code*.
- (6) An election for an office or other position conducted by an electoral official, or step taken in relation to such an election, is not invalid merely because of a breach of the rules of the organisation or branch because of:
- (a) action taken under subsection (1); or
 - (b) an act done in compliance with a direction under subsection (1).
- (7) If an electoral official conducting, or taking a step in connection with, an election for an office or other position:
- (a) dies or becomes unable to complete the conduct of the election or the taking of the step; or
 - (b) ceases to be qualified to conduct the election or to take the step;

the Electoral Commissioner must arrange for the completion of the conduct of the election, or the taking of the step, by another electoral official.

6 Definitions

irregularity, in relation to an election or ballot, includes:

- (a) a breach of the rules of an organisation or branch of an organisation; and
- (b) an act or omission by means of which:
 - (i) the full and free recording of votes by all persons entitled to record votes and by no other persons; or
 - (ii) a correct ascertainment or declaration of the results of the voting; is, or is attempted to be, prevented or hindered; and
- (c) a contravention of section 190.

Fair Work (Registered Organisations) Regulations 2009 ('the Regulations')

140 Declaration of result of election (s 193)

- (1) Within 14 days after the closing day of an election, the AEC must issue a declaration stating the following:
 - (a) the total number of persons on the roll of voters;
 - (b) the total number of ballot papers issued (if applicable);
 - (c) the total number of envelopes that were returned undelivered by the closing day of the ballot to the AEC (if applicable);
 - (d) the total number of ballot papers received by the electoral official by the closing day of the ballot (if applicable);
 - (e) the result of the election;
 - (f) the total number of informal ballot papers (if applicable).
- (2) In subregulation (1), **closing day**, for an election, means:
 - (a) if a ballot is not required—the day on which nominations for the election close; or
 - (b) if a ballot is required—the closing day of the ballot.
- (3) Immediately after issuing a declaration under subregulation (1), the AEC must give a copy of the declaration to:
 - (a) the General Manager; and
 - (b) the organisation or branch for whom the election was conducted.

141 Post election report by AEC (s 197(2))

- (1) For subsection 197(2) of the Act, the following matters are prescribed for inclusion in the report (the **postelection report**) given under subsection 197(1) of the Act:
 - (a) the declaration mentioned in regulation 140;
 - (b) any rules of the organisation or branch which because of ambiguity or other reason, were difficult to interpret or apply;
 - (c) any matters in relation to the roll of voters including those matters contained in subsection 197(3) of the Act;
 - (d) the number of written allegations (if any) of irregularities made to the AEC during the election;
 - (e) action taken by the AEC in relation to those allegations;
 - (f) any other irregularities identified by the AEC and action taken by the AEC in relation to those other irregularities.
- (2) The AEC must:
 - (a) give the postelection report within 30 days after the closing day of the election; and
 - (b) publish a notice on its web site advising that a copy of the postelection report can be obtained from the AEC on the request of a member who was eligible to vote in the election.

- (3) The AEC must supply a copy of the postelection report to the member as soon as practicable, but no later than 7 days, after receiving a request under paragraph (2)(b).

142 Adverse report on rules (s 198)

- (1) The AEC must advise the General Manager of a possible contravention of subsection 198(1) of the Act not later than 21 days after the AEC has become aware of the possible contravention.
- (2) For paragraph 198(6)(c) of the Act, in addition to the matters specified in subsection 198(6) of the Act, an organisation or branch must meet the following requirements if the organisation or branch has a web site:
 - (a) the organisation or branch must publish a copy of the relevant extract of the report on its web site within 14 days after receiving the post-election report;
 - (b) the organisation or branch must publish the written response given under subsection 198(1) on its web site within 14 days after giving the response to the AEC.

145 Elections conducted by AEC—no unauthorised action

- (1) For any election conducted by the AEC under Part 2 of Chapter 7 of the Act, a person other than the person conducting the election must not do, or purport to do, any act in the conduct of the election other than as directed or authorised by the person conducting the election.

Note: This subregulation is a civil penalty provision (see regulation 168).
- (2) The AEC must advise the General Manager of a possible contravention of subregulation (1) not later than 21 days after the AEC has become aware of the possible contravention.