

6 January 2023

Post-election report

**Independent Education Union of
Australia**

New South Wales/Australian Capital

Territory Branch

Scheduled election

E2022/4

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Election(s) Covered in this Report

Organisation: Independent Education Union of Australia - New South Wales/Australian Capital Territory
Branch
Election: Scheduled
Election Decision No/s: E2022/4

Rules

Rules used for the election: [130N: Incorporates alterations of 19 September 2022 [R2022/87]]
(replaces rulebook dated 7 February 2022 [R2021/136])

Rules difficult to apply/interpret:

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Other Matters

Returning Officer actions required (Section 193): Yes
Details:

- As there is no rule pertaining to the withdrawal of nominations, the Returning Officer applied subparagraph 193(1) (b)(ii) of the *Fair Work (Registered Organisations) Act 2009* to fix a closing time for the withdrawal of nominations and the withdrawal period was aligned with the nomination closing date.
- Branch rule 10.4 provides the election of members of Branch Executive shall be in accordance with Federal Rule 17, with any necessary changes. Federal rules 17(p) and 17(r) state that the ballot is to be closed on the 22nd day after the opening of the ballot. Due to delivery times taken by Australia Post, the ballot period provided for in the rules was considered not sufficient. The Returning Officer applied subparagraph 193(1) (b)(ii) of the *Fair Work (Registered Organisation) Act 2009* to extend the period and allowed 28 days instead of 22 days.

Signed

Lachlan Symonds
Returning Officer
Australian Electoral Commission
E: iebevents@aec.gov.au
P: 02 9375 6366
6 January 2023

Attachments

- A. Declaration of results for Uncontested Offices – Stage One - NSW/ACT
- B. Declaration of Results for Contested Offices – Stage One - NSW/ACT
- C. Declaration of results for Uncontested Offices – Stage Two - NSW/ACT
- D. Declaration of results for Contested Offices – Stage Two – NSW/ACT

Independent Education Union of Australia
New South Wales/Australian Capital Territory Branch
DECLARATION OF RESULTS - E2022/4
Uncontested Offices

Scheduled Election

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

Branch Secretary (1)

Candidates

NORTHAM Mark

Branch Deputy Secretary (1)

Candidates

MATTHEWS Carol

Branch Assistant Secretary (2)

Candidates

TOWSON David

YEWDALL Veronica

Members employed in early childhood services in New South Wales

Vice President (1)

Candidates

THOMPSON Michelle

Members employed in schools or educational institutions other than by or under the supervision of a Catholic diocese in New South Wales

Vice President (1)

Candidates

TEMPLETON Helen

Members employed in the Australian Capital Territory

Vice President (1)

Candidates

MCDONALD Angela

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.

Ishtiaq Ahmed
Returning Officer
Telephone: 03 9285 7111
Email: IEEvents@aec.gov.au
12/10/2022

Independent Education Union of Australia
New South Wales/Australian Capital Territory Branch
DECLARATION OF RESULTS - E2022/4
Contested Offices

Scheduled Election

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

New South Wales Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	31,336
Number of voters issued with voting material	31,336
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	31,336
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	2147
Number of declaration envelopes rejected at preliminary scrutiny (minus)	14
Number of ballot papers returned outside declaration envelopes (minus)	23
COUNT	
Total ballot papers admitted to the count	2110
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	302
Voting material packs not returned by voters by closing date of the ballot	28,839
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	7 %

President (1)

<u>Candidates</u>	<u>Final Votes</u>
RUELLO, Tina	1,055
WILKINSON, Christine	985

Total ballot papers admitted for this office	2,065
Formal Ballot papers	2,040
Informal Ballot papers	25

I declare the following elected:

- RUELLO, Tina

Financial Officer (2)

<u>Candidates</u>	<u>Final Votes</u>
MCHUGH, Denise	1,353
MOORE, Peter	1,175
PENSON, Suzanne	1,440

Total ballot papers admitted for this office **2065**

Formal Ballot papers	1984
Informal Ballot papers	81

I declare the following elected:

	Order Elected
• PENSON, Suzanne	1
• MCHUGH, Denise	2

General Executive Members (10)

<u>Candidates</u>	<u>Final Votes</u>
HEGGART, Liz	1,083
LOCKWOOD, Libby	1,186
MOORE, Peter	1,035
DOWNEY, Nicole	920
NAMRELL, Michael	859
GOSS, Simon	1,012
LOWE, Glenn	1,138
CIMINO, Marco	913
KERMODE, Amy	632
CRITICOS, Peter George	1,289
WILKINSON, Christine	1,258
LUEDI, Anna	1,207
GRUMLEY, Larry	902
GARDINER, Sarah	1,213

Total ballot papers admitted for this office **2,069**

Formal Ballot papers	1,953
Informal Ballot papers	116

I declare the following elected:

	Order Elected
• CRITICOS, Peter George	1
• WILKINSON, Christine	2
• GARDINER, Sarah	3
• LUEDI, Anna	4
• LOCKWOOD, Libby	5
• LOWE, Glenn	6
• HEGGART, Liz	7
• MOORE, Peter	8
• GOSS, Simon	9
• DOWNEY, Nicole	10

Branch Delegates to Federal Council (16)

<u>Candidates</u>	<u>Final Votes</u>
HADDAD, Lubna	1,414
MCHUGH, Denise	1,492
WARREN, Kendall	1,288
RUELLO, Tina	1,552
GRIFFITHS, Liam	1,378
DEVERY, Patrick	1,396
MATTHEWS, Carol	1,620
BAKER, Bernadette	1,439
CIMINO, Marco	1,279
MOORE, Carolyn	1,593
CRITICOS, Peter George	1,359
YEW DALL, Veronica	1,545
COOPER, Vincent	1,308
NORTHAM, Mark	1,525
WILKINSON, Christine	1,496
TOWSON, David	1,472
GRUMLEY, Larry	1,269
FITZGIBBON, Therese	1,553
BAILEY, Iain	1,286
WRIGHT, Michael	1,328

Total ballot papers admitted for this office	2059
Formal Ballot papers	1787
Informal Ballot papers	272

I declare the following elected:	Order Elected
• MATTHEWS, Carol	1
• MOORE, Carolyn	2
• FITZGIBBON, Therese	3
• RUELLO, Tina	4
• YEW DALL, Veronica	5
• NORTHAM, Mark	6
• WILKINSON, Christine	7
• MCHUGH, Denise	8
• TOWSON, David	9
• BAKER, Bernadette	10
• HADDAD, Lubna	11
• DEVERY, Patrick	12
• GRIFFITHS, Liam	13
• CRITICOS, Peter George	14
• WRIGHT, Michael	15
• COOPER, Vincent	16

Members employed by, or under the supervision of, the Catholic diocese in New South Wales

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	15,597
Number of voters issued with voting material	15,597
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	15,597
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	1,172
Number of declaration envelopes rejected at preliminary scrutiny (minus)	10
Number of ballot papers returned outside declaration envelopes (minus)	4
COUNT	
Total ballot papers admitted to the count	1158
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	140
Voting material packs not returned by voters by closing date of the ballot	14285
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	8 %

Vice President (1)

<u>Candidates</u>	<u>Final Votes</u>
LOCKWOOD, Libby	554
BAKER, Bernadette	572

Total ballot papers admitted for this office	1,134
Formal Ballot papers	1,126
Informal Ballot papers	8

I declare the following elected:

- BAKER, Bernadette

Members employed as school support staff in New South Wales

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	4,550
Number of voters issued with voting material	4,550
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	4,550
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	436

Number of declaration envelopes rejected at preliminary scrutiny (minus)	1
Number of ballot papers returned outside declaration envelopes (minus)	2
COUNT	
Total ballot papers admitted to the count	433
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	27
Voting material packs not returned by voters by closing date of the ballot	4087
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	10 %

Vice President (1)

<u>Candidates</u>	<u>Final Votes</u>
DOWNEY, Nicole	173
BOOTH-MARTINEZ, Kylie	249

Total ballot papers admitted for this office	424
Formal Ballot papers	422
Informal Ballot papers	2

I declare the following elected:

- BOOTH-MARTINEZ, Kylie

Ishtiaq Ahmed
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
12/10/2022



5 January 2023

Mark Northam
Branch Secretary
Independent Education Union of Australia - NSW/ACT Branch
Sent via email: ieu@ieu.asn.au



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2022/4

Dear Mark Northam,

An election has recently been completed by the Australian Electoral Commission (**AEC**) for the Independent Education Union of Australia - NSW/ACT Branch.

This letter explains the next steps you must take and what information you need to lodge with the Registered Organisations Commission (**ROC**).

What you must do right now

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to regorgs@roc.gov.au

This letter explains these steps and the tools available to help you.

STEP 1: Notify members

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (r. 141). The notice must be on your website for at least 3 months.



Can I put more information on our website?

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than 3 months. You can always do more than the regulatory minimum.

The ROC will also publish your declaration of results on our [website](https://www.roc.gov.au).

STEP 2: Financial training

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete financial training (s 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

There are face to face and online [financial training packages on the ROC website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the ROC within 6 months](#) of beginning to hold office.



Good governance tip:

Organisations should instruct officer holders about their other obligations. This is especially important for committee of management members.

Our podcast covers the [benefits of officer induction](#). Officers have responsibilities under the rules, the RO Act, and disclosure requirements around conflicts of interest, remuneration and material personal interests. Officers will benefit from our [officer induction kit](#) and our [podcast, such as episode 17 - conflicts of interest](#).

STEP 3: Notifications of change

A notification of change must be lodged with the ROC within **35 days** of the change occurring.



We have a [template](#) to help you with this, which you can send to regorgs@roc.gov.au. An officer must sign the completed notification template.

You must lodge a notification of change if:

- any of your officers have not been re-elected;
- officers have changed offices; or
- you have new officers.

Only notify us of changes that have **already occurred**. If people take up office in the future, you must wait until the change happens before lodging the notification within 35 days of the change.

Note: One election may result in many notifications of change.



Penalties apply

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

ROC v CEPU

The organisation failed to make a series of notifications of change on time.

The Full Court said 'The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.'

The organisation was ordered to pay a penalty. More information is available in our [case summary](#).

Questions?



Why do I need to tell you the results of the election when you've already received them?

The RO Act requires that **you** tell us this information about your officers – it is a legal obligation. The notification of change also contains information that is not in the declaration of results.

What if the officer has already done training?

Check out our [fact sheet](#) for when officers need to redo training, when they can get an exemption and when further training isn't required.

If you have any queries we can be contacted on 1300 341 665 or by email at regorgs@roc.gov.au.

Yours sincerely

Registered Organisations Commission



The ROC has a [Compliance Policy](#) which explains how we respond to issues of non-compliance. The policy is available on our website if you would like further information on the steps the compliance team may take in response to non-lodgement of a financial report.

Independent Education Union of Australia
New South Wales/Australian Capital Territory Branch
DECLARATION OF RESULTS - E2022/4 - Stage 2
Contested Offices

Scheduled Election

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

Branch Executive

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	22
Number of voters issued with voting material	22
Total number of voters issued with replacement voting material	1
Total number of voting material packs issued	23
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	16
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	16
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	1
Voting material packs not returned by voters by closing date of the ballot	6
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	73 %

Deputy Branch President (1)

<u>Candidates</u>	<u>Final Votes</u>
WILKINSON, Chris	7
LOCKWOOD, Libby	9

Total ballot papers admitted for this office	16
Formal Ballot papers	16
Informal Ballot papers	0

I declare the following elected:

- LOCKWOOD, Libby

Lachlan Symonds
 Returning Officer
 Telephone: 02 9375 6366
 Email: iebevents@aec.gov.au
 04/01/2023





25 November 2022

Mark Northam
Branch Secretary
Independent Education Union of Australia - NSW/ACT Branch
Sent via email: ieu@ieu.asn.au



IMMEDIATE ACTION REQUIRED:

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Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

ROC v CEPU

The organisation failed to make a series of notifications of change on time.

The Full Court said 'The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.'

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Yours sincerely

Registered Organisations Commission



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Independent Education Union of Australia
New South Wales/Australian Capital Territory Branch
DECLARATION OF RESULTS - E2022/4 - Stage 2
Uncontested Offices

Scheduled Election

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

Branch Executive

Alternative Delegate to Federal Executive (1)

Candidates

MATTHEWS Carol

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.

Lachlan Symonds
Returning Officer
Telephone: 03 9285 7111
Email: iebevents@aec.gov.au
23/11/2022





DECISION

Fair Work (Registered Organisations) Act 2009
s.189—Arrangement for conduct of an election

Independent Education Union of Australia (E2022/4)

MR STEENSON

SYDNEY, 7 APRIL 2022

Arrangement for conduct of election.

[1] On 10 March 2022 the NSW/ACT Branch of the Independent Education Union (the **Branch**) of Australia lodged with the Registered Organisations Commission (the **Commission**) prescribed information for an election to fill the following offices for a new term of office:

President	(1)
Vice President	(5)
Financial Officer	(2)
Branch Secretary	(1)
Branch Deputy Secretary	(1)
Branch Assistant Secretary	(2)
General Executive Members	(10)
Branch Delegates to Federal Council	(16)
Deputy Branch President	(1)
Alternative Delegate to Federal Executive	(1)

[2] The rules of the organisation provide that where a collegiate election for office-bearers is required, this is to be held as soon as possible after the direct election of the Branch Executive has been declared.

[3] The rules also provide that the Branch Secretary must supply, to the Returning Officer, a Certificate that shows the percentage of financial women members as at 31 December of the preceding year. Where that percentage is greater than 50% then the number of Delegates to Federal Council cannot be comprised of fewer than 50% women.

[4] In reviewing this matter, Commission staff also identified an apparent contradiction in relation to the term of office for Branch Delegates to Federal Council. The Branch rules appear to indicate a term of 2 years, whereas the Federal rules appear to indicate a term of 3 years. I

therefore encourage the organisation and the Branch to review its rules with a view to addressing this issue.

[5] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE COMMISSIONER

Printed by authority of the Commonwealth Government Printer

PR352211

PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009

I, Carol Matthews, being the Acting Secretary of the Independent Education Union of Australia, NSW/ACT Branch make the following statement:

I am authorised to sign this statement containing prescribed information for the Independent Education Union of Australia NSW/ACT Branch.

1) For the purpose of subsection 189(1) of the Act, the following information is provided:

(a) The name of each office in respect of which the election is required is:

Branch Executive (Rule 7.3 NSW/ACT Branch Rules of IEUA Rules, page 44)

President (1)

Vice-Presidents (5)

Financial Officers (2)

Branch Secretary (1)

Branch Deputy Secretary (1)

Branch Assistant Secretary (2)

General Executive Members (10)

Deputy Branch President

Alternative Delegate to Federal Executive

NSW/ACT Branch Delegates to Federal Council (Rule 8, IEUA Rules, pages 8-9)

16 Delegates – Membership 29 915 as at 31 December 2021.

See Annexure A.

(b) The reason for the election is that the term of office is due to expire.

(c) As listed in (a) above.

(d) The electorates for the five Vice-Presidents are as follows – one each elected respectively by and from:

(1) Members employed in NSW in early childhood services.

- (2) Members employed in NSW in schools or as an advisor, supervisor or education officer by or under the supervision of a Catholic diocese but excluding members included in paragraph (d).
- (3) Members employed in NSW in a school or educational institution other than an early childhood service or a school or educational institution under the supervision of a Catholic Diocese but excluding members in sub-paragraph (d) of this paragraph;
- (4) Members employed in NSW as school support staff, (including school secretaries, clerical assistants or school assistants); boarding house staff (other than teachers); grounds or maintenance staff; canteen staff and members in other related classifications.
- (5) Members employed in the Australian Capital Territory.

The electorate for the positions of Deputy President and alternate delegate to Federal Executive is the Branch Executive.

- (e) The electorate for all other positions is the full membership (the complete roll of voters).
- (f) The time frame proposed by the organisation and as required in the rules of the organisation (see generally Federal Rule 17 and NSW/ACT Branch Rule 10) for all positions except Deputy President and Alternate Delegate to Federal Executive is as follows:
 - (i) Publication date is **Monday 18 July 2022**.
 - (ii) Nominations to open Tuesday 19 July 2022 and close 4.00pm Tuesday 9 August 2022. (see Federal Rule 17 (h) and Branch Rule 10.8 (b)).
 - (iii) The roll of voters shall close 4.00pm Tuesday 11 July 2022. (Federal Rule 17 (q)).
 - (iv) The ballot to Commence Tuesday 30 August 2022 and close noon Wednesday 22 September 2022.

The elections for the positions of Deputy President and alternate delegate to Federal Executive, conducted by and from the Branch Executive, should be completed as soon as possible thereafter (Branch Rule 10.12).

(g) The voting system to be employed in the conduct of the elections for the Branch Executive and the delegates to Federal Council is a direct voting system.

The voting system for the positions of alternate delegate to Federal Executive and Deputy President is collegiate.

2. This statement **IS** lodged at least 2 months before nominations open for the election below.

Signed:



Dated:

10/3/2022

NOTE: This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@roc.gov.au.

Annexure A

- Elections that are required

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
NSW/ACT Branch	President	1	Direct Voting System	Scheduled	Rule 7.3 NSW/ACT Branch Rules of IEUA Rules, page 44.
NSW/ACT Branch	Vice-Presidents	5	Direct Voting System	Scheduled	Rule 7.3 NSW/ACT Branch Rules of IEUA Rules, page 44.
NSW/ACT Branch	Financial Officer	2	Direct Voting System	Scheduled	Rule 7.3 NSW/ACT Branch Rules of IEUA Rules, page 44.
NSW/ACT Branch	Branch Secretary	1	Direct Voting System	Scheduled	Rule 7.3 NSW/ACT Branch Rules of IEUA Rules, page 44.
NSW/ACT Branch	Branch Deputy Secretary	1	Direct Voting System	Scheduled	Rule 7.3 NSW/ACT Branch Rules of IEUA Rules, page 44.
NSW/ACT Branch	Branch Assistant Secretary	2	Direct Voting System	Direct Voting System	Rule 7.3 NSW/ACT Branch Rules of IEUA Rules, page 44.
NSW/ACT Branch	General Executive Members	10	Direct Voting System	Scheduled	Rule 7.3 NSW/ACT Branch Rules of IEUA Rules, page 44.
NSW/ACT Branch	NSW/ACT Branch Delegates to Council	16	Direct Voting System	Scheduled	Rule 8, IEUA Rules, pages 8-9

NSW/ACT Branch	Deputy Branch President	1	Collegiate electoral system	Scheduled	Rule 10.12 NSW/ACT Branch Rules of IEUA Rules, page 53
NSW/ACT Branch	Alternate Delegate to Federal Council	1	Collegiate electoral system	Scheduled	Rule 10.12 NSW/ACT Branch Rules of IEUA Rules, page 53

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	19 July 2022	Insert date and reference the relevant rule; or 'To be determined by returning officer' if the rules provide
Nominations CLOSE	9 August 2022 (Federal Rule 17 (h) and NSW/ACT Branch Rule 10.8 (b))	Insert date and reference the relevant rule; or 'To be determined by returning officer' if the rules provide
Roll of Voters cut off date	7 days prior to nominations opening (Federal Rule 17 (q))	Insert date and reference the relevant rule

NOTES: For insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as 'To be determined by the returning officer'. This also applies where rules are silent as to the nominated dates.

If the nomination dates are 'To be Determined by the Returning Officer', but your organisation has a *preference*, please state 'To be Determined by Returning Officer' and clearly indicate that your nominated date is a preference.

If the P.I. includes a position that is not an office, please refer to our template [Prescribed information for the election of officer and non-officer positions](#).