



2 May 2023

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

cc: Independent Education Union of Australia, [bhayes@qieu.asn.au](mailto:bhayes@qieu.asn.au)

Dear Mark Northam



**IMMEDIATE ACTION REQUIRED:**

**You must take steps after your recent election E2022/207**

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 Fair Work Commission (the Commission).

**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@fwc.gov.au](mailto:regorgs@fwc.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 (regulation 141). The notice must be on your website for at least three 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 three months. You can always do more than the regulatory minimum.

The Commission will also publish your declaration of results on our [website](#).

## 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 (section 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 Commission website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the Commission](#) **within six 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 Commission within **35 days** of the change occurring.

We have a [template](#) to help you with this, which you can send to [regorgs@fwc.gov.au](mailto:regorgs@fwc.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](#).



### **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@fwc.gov.au](mailto:regorgs@fwc.gov.au).

Yours sincerely

**Fair Work Commission**



The Commission 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.

26 April 2023

# Post-election report

**Independent Education Union of  
Australia**

IEUA - New South Wales/Australian  
Capital Territory Branch  
Casual Vacancy election  
E2022/207

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# Election(s) Covered in this Report

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Organisation: IEUA - New South Wales/Australian Capital Territory Branch  
Election: Casual Vacancy  
Election Decision No/s: E2022/207

## Rules

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Rules used for the election: Yes

Rules difficult to apply/interpret: No

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: [www.aec.gov.au/ieb/](http://www.aec.gov.au/ieb/)

## Other Matters

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Returning Officer actions required (Section 193): No  
Details:

## Signed

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Ben Murray  
Returning Officer  
Australian Electoral Commission  
E: IEBevents@aec.gov.au  
P: 03 9285 7111  
26 April 2023

# Attachments

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## A. Declaration of Results for Contested Offices – New South Wales/Australian Capital Territory Branch



**Independent Education Union of Australia**  
**New South Wales/Australian Capital Territory Branch**  
**DECLARATION OF RESULTS - E2022/207**  
**Contested Offices**

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**Casual Vacancy 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:

**North Coast Sub-Branch**

<b>VOTING MATERIAL ISSUED</b>	
Total number of people on the roll of voters (a)	1100
Number of voters issued with voting material	1100
Total number of voters issued with replacement voting material	0
<b>Total number of voting material packs issued</b>	<b>1100</b>
<b>VOTING MATERIAL RETURNED</b>	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	96
Number of declaration envelopes rejected at preliminary scrutiny (minus)	3
Number of ballot papers returned outside declaration envelopes (minus)	1
<b>COUNT</b>	
Total ballot papers admitted to the count	92
<b>LATE OR UNRETURNED VOTING MATERIAL</b>	
Voting material returned as unclaimed mail by closing date of ballot	11
Voting material packs not returned by voters by closing date of the ballot	993
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	8.72%

## Branch Council Delegate (1)

<u>Candidates</u>	<u>Final Votes</u>
GRANT, Stewart	58
SMITH, Simon	33

<b>Total ballot papers admitted for this office</b>	<b>92</b>
Formal Ballot papers	91
Informal Ballot papers	1

I declare the following elected:

- GRANT, Stewart

Ben Murray  
Returning Officer  
Telephone: 03 9285 7111  
Email: IEEvents@aec.gov.au  
19/04/2023





## DECISION

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

### **Independent Education Union of Australia** (E2022/207)

MR STEENSON

SYDNEY, 25 NOVEMBER 2022

*Arrangement for conduct of election.*

[1] On 15 November 2022, the NSW/ACT Branch of the Independent Education Union of Australia (**the Branch**) lodged with the Registered Organisations Commission prescribed information for an election to fill a casual vacancy in the following office for the remainder of the term, where the office was originally elected in the recent scheduled election (**E2022/24**) and has since become vacant due to resignation:

Delegate to Branch Council from the North Coast Sub-Branch (1)

[2] On 28 October 2022, I issued an election decision (**E2022/191**) for the same Branch, making arrangements for the conduct of an election to fill a casual vacancy and offices that received insufficient nominations in the recent scheduled election (**E2022/24**). The offices for election in **E2022/191** and this election **E2022/207** each concern Delegates to the Branch Council from one or more Sub-Branches. I therefore request that, if possible, the Australian Electoral Commission (**AEC**) consider conducting the two elections at the same time.

[3] I am satisfied that an election for the abovenamed office 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 AEC.



DELEGATE OF THE COMMISSIONER

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PR352373

**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, Mark Northam, being the Secretary of the Independent Education Union of Australia, NSW/ACT Branch make the following statement:

1. I am authorised to sign this statement containing prescribed information Independent Education Union of Australia, NSW/ACT Branch.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The election that is required is set out in the table in Annexure A.
4. The resignation letter is attached for each casual vacancy.
5. No rule alterations are pending that will impact the election.

Signed:



Dated:

15/11/22

**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](mailto:regorgs@roc.gov.au).

## Annexure A

<b>Branch</b>	<b>Name of Office</b>	<b>Number required</b>	<b>Voting System</b> <i>Direct voting system; Collegiate electoral system</i>	<b>Reason for Election</b> <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	<b>Electorate</b>
NSW/ACT Branch	Branch Council Delegate (North Coast Sub-branch)	1	Direct Voting System	Casual vacancy	Rule 11.1 of NSW/ACT Branch Rules, page 54

	<b>Direct Voting System</b>
<b>Nominations OPEN</b>	To be determined by Returning officer
<b>Nominations CLOSE</b>	To be determined by Returning officer
<b>Roll of Voters cut off date</b>	To be determined by Returning officer