



DECISION

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

Australian Education Union
(E2024/123)

MR STEENSON

SYDNEY, 14 AUGUST 2024

Arrangement for conduct of election.

[1] On 18 July 2024 the Western Australian Branch (the **Branch**) of the Australian Education Union (the **organisation**) lodged with the Fair Work Commission prescribed information for an election to fill the following offices for a new term of office:

Members of Branch Council from the following Districts:
(numbers to be determined in accordance with the Rules)

Belmont
Bunbury
Butler
Fremantle
Goldfields
Hillarys
Jandakot
Kalamunda
Kimberley-Pilbara
Maylands
Moore
Morley
Murray
Perth
Riverton
Rockingham
Scarborough
Stirling
Swan
Victoria Park

[2] Rule 2(1)(b) of the ‘Federal Branch rules in relation to the Western Australian Branch’¹ provides that, in relation to the members of Branch Council, the number to be elected from each

¹ Rulebook R2024/81 and R2024/90

district is one delegate for every 100 members, or part thereof, in that district. The date for the calculation of district entitlements is *'the final gazetted date of the school year ending immediately prior to the conduct of the election of Branch Councillors'*. In relation to this election that is the final gazetted day of the 2024 school year, being 12 December 2024.

[3] As the prescribed information was lodged by the Branch before this date (and, also, in advance of the day prescribed by regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*), the specific number of delegates to be elected from each district could not be specified at the time of lodgement. Nor can it be specified at the time of issuing this decision.

[4] The rules provide that *'Each district shall elect representatives to Branch Council every two years, during the first school division term'*.² The new term of office is not due to commence until 20 March 2025.³ The prescribed information advises that the precise date for opening of nominations is to be determined by the Returning Officer. As such, it is reasonably anticipated that the precise number of Branch Councillors for each District will be ascertained in advance of the call for nominations by the Australian Electoral Commission (the **AEC**) as, in practical terms, this needs to be identified in order for the election to proceed.

[5] The rules of the organisation have provided that the offices listed above had 12-month terms of office. Rule alterations recently certified by the Commission on 28 March 2024, in matters **R2023/135** and **R2024/38**,⁴ have changed this to a two year term, however these changes do not take effect until the conclusion of the term of office for the incumbent Branch Council members in 2025.⁵ Consequently, the term of office for the Members of Branch Council elected in this forthcoming election (E2024/123) whose term is due to commence in March 2025 will be two years, as it will for subsequent terms (absent any further rule change).

[6] 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 AEC.



DELEGATE OF THE GENERAL MANAGER

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² Rule 9(1)
³ Rules 2(3) and 9(5)(i)
⁴ *Australian Education Union* [2024] FWCD 1006
⁵ [Ibid., at paragraph [17].



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Our Ref: MF/MS

18 July 2024

Fair Work Commission
GPO Box 1994
Melbourne VIC 3001

Email: regorgs@fwc.gov.au

Dear Sir/Madam

Statement of Prescribed Information: Section 189(1) of the Fair Work (Registered Organisations) Act 2009

In accordance with Sub Section 189(1) of the Fair Work (Registered Organisations) Act 2009 and Regulation 138, I wish to lodge the following prescribed information in relation to scheduled elections of the Australian Education Union, Western Australian Branch, for the undermentioned offices.

I am an officer of the Australian Education Union (WA Branch) and am authorised to lodge this prescribed information.

Names of Offices

Elections will need to be held under Rule 2 (1)(b) to elect:

Members of Branch Council approximately 150:
20 March 2025 – 19 March 2026

Reason for the election

The current term of office for the above positions expires on 19 March 2025.

The electorates for the elections are:

- Financial members whose place of work is within the same specified district as that of the elected delegates.
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- The specified districts are as contained in Appendix B of the Federal Branch Rules – SCHEDULE OF DISTRICTS as follows:

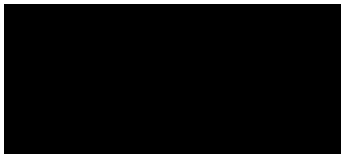
1. Belmont
2. Bunbury
3. Butler
4. Fremantle
5. Goldfields
6. Hillarys
7. Jandakot
8. Kalamunda
9. Kimberley-Pilbara
10. Maylands
11. Moore
12. Morley
13. Murray
14. Perth
15. Riverton
16. Rockingham
17. Scarborough
18. Stirling
19. Swan
20. Victoria Park

The number of Branch Council members for each district shall be determined in accordance with Federal branch Rule 2 (1)(b).

The voting system is by direct election. Under Rule 13 (9A), the roll of voters for any election is to be closed seven days before the day on which nominations are opened. Under Rule 9 (8), nominations for election to Branch Council shall be called at least fourteen days prior to the date on which nominations close.

The dates and times that nominations close are to be fixed by the Returning Officer pursuant to the Rules.

Yours sincerely



mary franklyn
Branch Secretary