



DECISION

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

Independent Education Union of Australia
(E2025/95)

MR STEENSON

SYDNEY, 15 MAY 2025

Arrangement for conduct of election.

[1] On 8 May 2025 the Victoria Tasmania Branch (**Branch**) of the Independent Education Union of Australia (**IEUA**) lodged with the Fair Work Commission (**Commission**) prescribed information for an election to fill the following offices for a new term of office:

Branch Delegates to Federal Council (11)

Branch Committee of Management

President (1)

Deputy President (1)

General Secretary (1)

Deputy General Secretary (1)

Committee Members (Ordinary) (6)

Committee Members (Education Support Staff) (2)

Committee Member resident in Tasmania (1)

Catholic Primary Council

Catholic Primary Council President (1)

Catholic Primary Council Deputy President (1)

Catholic Secondary Council

Catholic Secondary Council President (1)

Catholic Secondary Council Deputy President (1)

Independent Council

Independent Council President (1)

Independent Council Deputy President (1)

Principals Council

Principals Council President (1)

Principals Council Deputy President (1)

Tasmanian Council

Tasmanian Council President (1)

Tasmanian Council Deputy President (1)

[2] The Branch had lodged prescribed information on 19 March 2025 in anticipation of its scheduled quadrennial elections. At the time of lodgement, the Branch indicated that proposed rule alterations had been lodged with the Commission on 7 February 2025, which would affect the offices to be elected at the upcoming scheduled election. After consultation with the Commission, the rule alterations were withdrawn on 28 March 2025, with amended rule alterations being lodged on 15 April 2025. These amended rule alterations included the removal of some offices, which would affect the upcoming election.

[3] The Branch advised of its preference that the rule alterations be certified prior to the conduct of the election, noting its concerns about conducting an election while rule alterations are on foot. The risks associated with this outcome are demonstrated in the decision of *Sara, in the matter of an inquiry into the election for offices in the Australian Salaried Medical Officers Federation*¹. In this instance, an officer of that organisation was obliged to seek orders from the Federal Court to prevent two concurrent elections (including for a number of recently abolished or replaced offices) in circumstances where an election had commenced under the ‘old’ rules which were entirely replaced by ‘new’ rules prior to the conclusion of that election.

[4] Following consultation with Commission staff, the Branch withdrew its prescribed information pending the certification of the lodged rule alterations. At that time, the Branch undertook to lodge the updated prescribed information, in accordance with the new rulebook, as soon as possible after the rule alterations were certified.

[5] On 7 May 2025 the rule alterations were certified by the Commission² and on 8 May 2025, the Branch lodged updated prescribed information.

[6] Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* requires prescribed information to be lodged at least 2 months before nominations are due to open. While the Branch rules do not specify a date for nominations to open (and the dates outlined in the prescribed information are simply the Branch’s preference), IEUA rule 17(h) provides that elections must be completed by 31 October.³ I am satisfied that, despite the delay due to rule alterations, the prescribed information has been lodged with sufficient time for the elections to likely be completed by 31 October 2025).

[7] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the IEUA 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 GENERAL MANAGER

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¹ [2018] FCA 844.

² R2025/55.

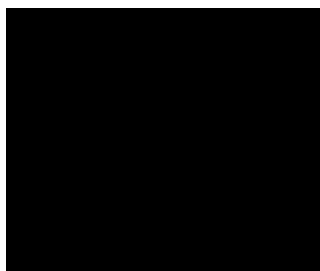
³ Ibid, rule 17(h).

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, David Brear, being the General Secretary of the Independent Education Union of Australia Victorian Tasmanian Branch make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Independent Education Union Victoria Tasmania Branch.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in **Annexure A**.
4. The number of **Federal Council Delegates** is calculated on a formula defined in the IEUA Federal rules:
 - a. The rule number which specifies the formula is IEUA Federal Rule 8(c)(ii).
 - b. The number of members is *Between 19001 and 21000 members*. The total number of Delegates that the Branch is entitled to is 11 Delegates in accordance with Federal Rule 8(c)(i).
 - c. The information for calculating the formula is the number of members in the Branch as outlined in the table in Federal Rule 8(c)(ii).
 - d. The relevant date for this information is 31 December 2024 (Federal Rule 8(d)).

Signed:



Dated: 8 May 2025

Annexure A - Elections that are required

Branch	Name of Office	Number required	Voting System Direct voting system; Collegiate electoral system	Reason for Election Scheduled; Casual vacancy; New office created; Insufficient nominations	Electorate
Vic Tas	President	1	Direct Voting System	Scheduled	Branch Rule 13(h)
Vic Tas	Deputy President	1	Direct Voting System	Scheduled	Branch Rule 13(h)
Vic Tas	General Secretary	1	Direct Voting System	Scheduled	Branch Rule 13(h)
Vic Tas	Deputy General Secretary	1	Direct Voting System	Scheduled	Branch Rule 13(h)
Vic Tas	Ordinary Members	6	Direct Voting System	Scheduled	Branch Rule 13(h)
Vic Tas	Education Support Staff Members	2	Direct Voting System	Scheduled	Branch Rule 13(h)(ii)
Vic Tas	Member Resident in Tasmania	1	Direct Voting System	Scheduled	Branch Rule 13(h) (iii)
Vic Tas	Catholic Primary Council President	1	Direct Voting System	Scheduled	Branch Rule 13(h)(i); Branch Rule 11(d)(iv)
Vic Tas	Catholic Primary Council Deputy President	1	Direct Voting System	Scheduled	Branch Rule 13(h)(i); Branch Rule 11(d)(iv)
Vic Tas	Catholic Secondary Council President	1	Direct Voting System	Scheduled	Branch Rule 13(h)(i); Branch Rule 11(d)(iv)
Vic Tas	Catholic Secondary Council Deputy President	1	Direct Voting System	Scheduled	Branch Rule 13(h)(i); Branch Rule 11(d)(iv)
Vic Tas	Independent Council President	1	Direct Voting System	Scheduled	Branch Rule 13(h)(i); Branch Rule 11(d)(iv)
Vic Tas	Independent Council Deputy President	1	Direct Voting System	Scheduled	Branch Rule 13(h)(i); Branch Rule 11(d)(iv)
Vic Tas	Principals Council President	1	Direct Voting System	Scheduled	Branch Rule 13(h)(i); Branch Rule 11(d)(iv)

Vic Tas	Principals Council Deputy President	1	Direct Voting System	Scheduled	Branch Rule 13(h)(i); Branch Rule 11(d)(iv)
Vic Tas	Tasmanian Council President	1	Direct Voting System	Scheduled	Branch Rule 13 (h)(i); Branch Rule 11 (d)(iv)
Vic Tas	Tasmanian Council Deputy President	1	Direct Voting System	Scheduled	Branch Rule 13 (h)(i); Branch Rule 11 (d)(iv)
Vic Tas	Branch Delegates to Federal Council	11	Direct Voting System	Scheduled	IEUA Federal Rule 8(c)(d)

- **Important dates:**

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by the Returning Officer. Preferred date: 10 June 2025 – (Rule 17)	Insert date and reference the relevant rule; or ‘To be determined by returning officer’ if the rules provide
Nominations CLOSE	To be determined by the Returning Officer. Preferred date: 3 July 2025 (not earlier than 21 days after the publication of the first such advertisement - Rule 17(h))	Insert date and reference the relevant rule; or ‘To be determined by returning officer’ if the rules provide
Roll of Voters cutoff date	To be determined by the Returning Officer. Preferred date: 2 June 2025 (7 days prior to the opening of Nominations - Rule 17(o))	Insert date and reference the relevant rule

- **A Preferred timeline for these elections is contained in Schedule 1 attached.**

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.

24-114/UNI4001