



DECISION

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

Independent Education Union of Australia
(E2025/55)

MR STEENSON

SYDNEY, 2 JULY 2025

Arrangement for conduct of election.

[1] On 18 June 2025 the Queensland and Northern Territory Branch (the **Branch**) of the Independent Education Union of Australia (**organisation**) lodged with the Fair Work Commission prescribed information for an election to fill the following offices for a new term of office:

Federal Council Delegate from the Queensland Division (8)

Federal Council Delegate from the Northern Territory Division (1)

Whether prescribed information was lodged on time

[2] Section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (**RO Act**) requires that organisations and branches must lodge prescribed information before a ‘prescribed day’. Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* defines the prescribed day as the day occurring two months before the date nominations open.

[3] The organisation’s rules do not directly provide a specific day or week when nominations open. Instead, rule 17 of the organisation’s Federal rules provides an election timetable which details minimum and maximum periods for which nominations must remain open and how soon a ballot (if required) must be held after the date nominations close. The nature of this timetable therefore allows for some variation of the relevant dates by a few weeks.

[4] I have set out below the election timetable as provided in rule 17, doing so in reverse order so as to calculate the projected date nominations are due to open.

- The election must be completed by 31 October of an election year¹.
- Where there is a contested election, such that more nominations are received than there are offices to fill, a ballot is required.
- The ballot must remain open for 22 days².

¹ Rule 17(h)

² Rule 17(r)

- Therefore the latest date for the ballot to open is 9 October.
- The maximum period between the date nominations close and the date the ballot opens (if a ballot is required) is six (6) weeks³.
- Therefore the latest date for nominations to close is 28 August.
- Nominations are required to remain open for at least 21 days⁴, making the 7 August the latest date for nominations to open.
- Accordingly, if nominations were to open on 7 August 2025, the prescribed day to lodge prescribed information would be 7 June 2025.

[5] The prescribed information for this election was lodged on 18 June 2025 and the information states that the open and close dates for nominations are ‘to be determined by the returning officer’.

[6] The statement and declaration accompanying the prescribed information declares that the information has been lodged at least two months before the date nominations open for this election. However, this statement is only true if the Returning Officer determines the date that nominations open is a date after 18 August 2025. If the Returning Officer determines that nominations open on or before 18 August 2025, then the Branch will not have complied with the requirements of section 189(2) of the RO Act.

[7] As I mentioned previously, the election timetable allows for some variation of the opening and closing dates to call for nominations and to hold a ballot. I strongly encourage the Branch, to lodge its prescribed information on a date before 7 June in an election year for these offices in order to avoid any question or ambiguity about whether the Branch has met its obligations under section 189(2) of the RO Act.

Proportion of offices on Federal Council to be filled by women

[8] Rule 8(c)(ii) of the organisation’s rules, in addition to setting out the formula for determining the number of Federal Council Delegates that each Branch is entitled to, also requires that:

... where a Branch has more than 50% women financial members, not less than 50% of the offices on Federal Council for the Branch delegation outlined in Rule 8(c)(i) will be filled by women. ***At each triennial election, the Branch Secretary will provide to the Returning Officer a certificate showing the percentage of women financial members at 31 December in the preceding year.*** This sub rule shall not apply to the Queensland and Northern Territory Branch where that Branch has 5000 members or fewer.
[Emphasis added]

[9] On the available information, the Branch has more than 5,000 members, therefore rule 8(c)(ii) applies to this election if more than 50 percent of the financial members of the Branch are women.

[10] The prescribed information does not appear to include information about the proportion of women in the Branch to address rule 8(c)(ii). I remind the Branch of the requirement to provide this information to the Australian Electoral Commission (AEC), which is responsible for conducting this election.

³ Rule 17(r)

⁴ Rule 17(h)

[11] 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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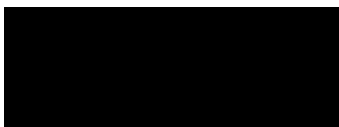
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PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009*

I, Terence Patrick Burke, being the Branch Secretary of the Independent Education Union – Queensland and Northern Territory Branch (IEU-QNT) make the following statement:

1. I am authorised to sign this statement containing prescribed information for IEU-QNT.
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. No rule alterations are pending that will impact the election.
5. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.
6. If the number of elected representatives is calculated on a formula(s) defined in the rules]:
 - a. The rule number which specifies the formula is Rule 8(c):
 - b. The formula is: Branches were entitled to elected delegates to Federal Council depending on size of the Branch. Between 15,001 and 17,000 members – total number of delegates 9.
 - c. The information for calculating the formula is: 15,581 members.
 - d. The relevant date for this information is: 31 December 2024.
7. The current term election was declared on 19 September 2022.
8. The election shall conclude no later than 31 October 2025.

Signed:



Terence P Burke, Branch Secretary

Dated: 18/06/2025

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
Queensland Division	Federal Council Delegate	Eight	Direct Voting System	Scheduled	Rule 8 of the Federal Rules and Rule 13 of the Rules of IEU-QNT
Northern Territory Division	Federal Council Delegate	One	Direct Voting System	Scheduled	Rule 8 of the Federal Rules and Rule 13 of the Rules of IEU-QNT

- Important dates:

	Direct Voting System
Nominations OPEN	To be determined by returning officer
Nominations CLOSE	To be determined by returning officer
Roll of Voters cut off date	7 days prior to nominations opening (rule 17(q)).