



DECISION

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

Australian Education Union
(E2025/178)

MR STEENSON

SYDNEY, 1 DECEMBER 2025

Arrangement for conduct of election.

[1] On 7 November 2025 the Queensland Branch (the **Branch**) of the Australian Education Union (the **AEU**) lodged with the Fair Work Commission (the **Commission**) prescribed information for an election to fill the following offices for a new term of office:

Branch Councillors	(34)
Branch Executive	(9)
Branch President	(1)
Branch Deputy President	(1)
Branch Secretary	(1)
Branch Deputy Secretary	(1)

[2] The timing of the notice of prescribed information lodged by the Branch on this occasion is consistent with the *ordinary* timing of the lodgement of prescribed information for an election required under the Branch's rules to be conducted every second year for Branch Councillors and every year for the Branch Executive and senior Branch Officers (comprising the Branch President, Vice-President, Branch Secretary and Deputy Branch Secretary).¹

[3] However, the most recent election for the offices named above (including Branch Councillors, who are elected on an annual basis) is currently still in progress (**E2025/98**), as the prescribed information for that election was lodged with a significant delay for both sets of offices – in some cases up to eighteen (18) months late. On 13 June 2025, I issued a decision to enable the conduct of that late election.²

Election currently being conducted

[4] On 12 November 2025, the Commission received a declaration of results from the Australian Electoral Commission (the **AEC**) providing notification that Stage 1 of election E2025/98 (namely, the election for the new Branch Councillors) had been completed.

¹ Rules 2 and 6 respectively, Federal Rules in relation to the Queensland Branch, AEU rulebook (R2025/117), <https://www.fwc.gov.au/documents/organisations/current-rulebooks/current-rb-284v.docx>

² [2025] FWCD 77

[5] The AEC has also issued an Election Notice for Stage 2 of election E2025/98, which indicates that nominations for that stage due to close on 3 December 2025.

Enforceable Undertaking

[6] As indicated above, the election presently been conducted by the AEC follows the Branch failing to lodge prescribed information for elections for its Branch Council and Branch Executive. The *Fair Work (Registered Organisations) Act 2009 (RO Act)*, in particular section 189(2), requires that registered organisations and their branches must lodge prescribed information – seeking an election be conducted by the AEC – when one is due under their rules. Failure to do so may give rise to civil penalties.

[7] While the 7 November 2025 lodgement of prescribed information met that requirement, the earlier failures to lodge were contrary to section 189(2).

[8] Rather than pursuing civil penalties in relation to that non-compliance, the Commission agreed to accept an enforceable undertaking from the AEU, in accordance with section 316C of the RO Act in relation to the Branch's conduct. That undertaking was accepted on 28 November 2025. The details of the undertaking appear on the Commission's website,³ as well as that of the AEU, which has committed to it also being uploaded to the website of the Branch's state-registered counterpart, the Queensland Teachers Union (QTU).

[9] Among other things agreed to in the enforceable undertaking, the AEU undertook to transact rule alterations ahead of the next Branch elections with a view to bringing terms of office in the Branch and the QTU into alignment. Currently, the terms of office are of different duration in each entity, which appears to have contributed to the matters that the enforceable undertaking is intended to address.

This election request (E2025/178)

[10] As indicated above, the prescribed information lodged on 7 November 2025 is due in accordance with the rules of the organisation (as they presently stand) and the requirements of section 189(2) of the RO Act.

[11] In addition, Section 189(3) of the RO Act requires me, as Delegate of the General Manager, to determine whether an election is required to be conducted under the rules of the organisation. In the ordinary course of events, I could be satisfied that the rules require an election to be conducted and could issue an election decision to that effect.

[12] However, the current circumstances are such that an election (E2025/98) is currently underway, and partially completed by the AEC, for the very same offices as those set out in the prescribed information in this matter (E2025/178). This situation arose on several occasions during the COVID-19 pandemic when the AEC's conduct of elections in registered organisations was delayed – particularly in organisations with one- or two-year terms. In those circumstances, election decisions dealt with apparently overlapping election requests including where the conduct of one election would have the effect of superseding (or fulfilling) another one.⁴

³ *Enforceable undertaking – Australian Education Union regarding the Queensland Branch*, <https://www.fwc.gov.au/documents/reporting/s316c-enforceable-undertaking-aeu-qldbranch-final-2025-11-27.pdf>

⁴ See, for example, *Australian Trainers' Association* [2023] FWCD 1036 regarding election matter E2022/60.

[13] In the present matter, it would appear neither practical nor an appropriate use of the AEC's finite resources to require the conduct of a fresh election for offices that have either (i) only been declared in the past few weeks or (ii) have nominations that due to close this week. To do so, would have the effect of drastically cutting short the terms of office of those persons being elected via E2025/98.

[14] Therefore, while I am satisfied that the rules of the organisation indicate that an election is due, it is also readily apparent that there is an election process already being undertaken (E2025/98) that will produce the same effect – i.e. Branch Councillors and a set of Branch Executive officers for a new term of office.

[15] On that basis, provided that the AEC completes the conduct of each stage of election E2025/98, it is not required to separately conduct a fresh election for the offices listed above.



DELEGATE OF THE GENERAL MANAGER

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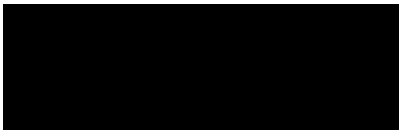
PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009*

I, Kate Julie Ruttiman, being the Branch Secretary of the Australian Education Union Queensland Branch make the following statement:

1. I am authorised to sign this statement containing prescribed information for Australian Education Union Queensland 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. No rule alterations are pending that will impact the election.

This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:



Kate Julie Ruttiman

Branch Secretary – Australian Education Union Queensland Branch

Dated: 03 November 2025

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

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	Branch Councillor	Thirty-four (34)	Direct Voting System	Scheduled	Financial members of the Australian Education Union (Queensland Branch) as at the close of the roll – Federal Branch Rule 2(2).
Queensland	Branch Executive	Nine (9)	Collegiate electoral system	Scheduled	Financial members of the AEU (Queensland Branch) Branch Council as at the close of the roll – Federal Branch Rule 6(1)(b).
Queensland	Branch President	One (1)	Collegiate electoral system	Scheduled	Financial members of the AEU (Queensland Branch) Branch Council as at the close of the roll – Federal Branch Rule 6(1)(a).
Queensland	Branch Deputy President	One (1)	Collegiate electoral system	Scheduled	Financial members of the AEU (Queensland Branch) Branch Council as at the close of the roll – Federal Branch Rule 6(1)(a).
Queensland	Branch Secretary	One (1)	Collegiate electoral system	Scheduled	Financial members of the AEU (Queensland Branch) Branch Council as at the close of the roll – Federal Branch Rule 6(1)(a).
Queensland	Branch Deputy Secretary	One (1)	Collegiate electoral system	Scheduled	Financial members of the AEU (Queensland Branch) Branch Council as at the close of the roll – Federal Branch Rule 6(1)(a).

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by the Returning Officer – Federal Branch Rule 9(3)	At least seven (7) days prior to the date on which nominations close – Federal Branch Rule 9(2).
Nominations CLOSE	14 days after nominations open – Federal Branch Rule 9(1).	Between 20 January and 1 March 2026 – Federal Branch Rule 6(2). Alternatively – to be determined by returning officer
Roll of Voters cut off date	7 days prior to nominations opening – Queensland branch Rule 13(9A)	Seven (7) days before the day on which nominations are opened – Queensland Branch Rule 13(9A).

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*](#)