



DECISION

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

Australian Education Union
(E2026/12)

MR STEENSON

SYDNEY, 10 FEBRUARY 2026

Arrangement for conduct of election.

[1] On 27 January 2026, the Australian Education Union (the **AEU**) lodged with the Fair Work Commission (the **Commission**) prescribed information for an election to fill the following office for a new term of office:

Federal Executive Member (representing the General Division) from the:

Western Australian Branch (1)

[2] On the same date, the AEU lodged prescribed information seeking an election to fill casual vacancies in the following offices for the remainder of term:

Federal Conference Delegates (representing the General Division) from the following Branches:

South Australian Branch (1)

Western Australian Branch (1)

Yalukit Yulendji (National Aboriginal and Torres Strait Islander Education Committee) Member (representing the General Division) from the:

Victorian Branch (1)

Composition of the Federal Executive

[3] Rule 34 of the AEU rules states that the management of the organisation is vested in the Federal Executive.¹ Rule 35 provides that the composition of the Federal Executive includes representatives from the organisation's branches, elected biennially by and from members of each Branch Council who are assigned to the General Division.² The elected Federal Executive

¹ Australian Education Union rules certified 13 August 2025 – rule 34(1)(a).

² AEU rules – rule 35(1)(d) & (e).

members commence office on 1 March following their election and hold office until their successors are declared elected.³

Federal Executive Members: Western Australian representation

[4] Rule 12(1) of the Western Australian Branch (the **WA Branch**) rules states that the first Federal Executive position from that Branch shall be held by the Branch President *ex-officio*.

[5] Any additional entitlement to Branch representation on the Federal Executive is to be determined by the number of financial members assigned to the General Division of a Branch (i.e. an additional entitlement for each additional 15,000 financial members or part thereof), as at 5.00pm local time on 30 June in any one year.⁴

[6] The AEU has confirmed that, as at 30 June 2025, the number of financial members assigned to the General Division of the WA Branch entitled it to elect one additional Federal Executive Member for the succeeding year (i.e. above the pre-existing Branch President *ex officio* position on the Federal Executive).⁵

[7] I note that the previous scheduled election for Federal Executive Members representing various Branches (in **E2025/147**)⁶ was issued by the Commission on 11 September 2025 and did not include a request for the Australian Electoral Commission (**AEC**) to conduct an election for an additional representative from the WA Branch. This was because neither the AEU nor the Branch sought an election for that office.

[8] In response to enquiries from the Commission about any previous elections for this office, the organisation's Federal Secretary advised that to her knowledge this present matter is the first election in which an election for an additional Federal Executive member from the WA Branch has been sought. She also advised that the omission of a request for election for that office in the prescribed information lodged in E2025/147, occurred in error.

[9] However, it also appears that 2025 was not the first year that the Branch was entitled to an extra office on the Federal Executive. A review of the Commission's records, as well as information about the number of Branch financial members in particular years, indicates that WA Branch representation on the Federal Executive (in addition to the Branch President) has been in place for several years.⁷ The filling of that office during that time apparently occurred via an internal Branch process and not via an election process conducted by the AEC, as required by the *Fair Work (Registered Organisations) Act 2009* (the **RO Act**) and the AEU and Branch rules.

Late lodgement – further compliance action

[10] The request for an election for one additional Federal Executive Member representing the WA Branch in this election (**E2026/12**) to be conducted by the AEC meets the requirement set out in the rules. However, the practice prior to this, of filling the role internally rather than through an AEC-conducted election, highlights a failure to lodge prescribed information in previous years, when it would appear that an election for this office was required to be held.

[11] The 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

³ AEU rules – rule 35(1A).

⁴ AEU rules certified 13 August 2025 – r.35(2) and (3).

⁵ See email from Federal Secretary dated 4 February 2026.

⁶ [2025] FWCD 1109.

⁷ See AEU Annual Returns – AR2022/64, AR2023/63, AR2024/63 & AR2025/61.

one is due under the rules. Section 189(2) is a civil penalty provision and, as such, failure to comply with this requirement, may give rise to civil penalties.

[12] In circumstances where it is apparent that an election for another Federal Executive Member from the WA Branch (conducted by the AEC) was required in at least one year – but may have been required in earlier years – the Commission will make further enquiries to ascertain the extent of the deficiency before determining its regulatory response. The AEU and the Branch are invited to provide relevant information and submissions in this regard.

Election required

[13] I am satisfied that an election for each of the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of the RO Act, I am making arrangements for the conduct of the election by the AEC.



DELEGATE OF THE GENERAL MANAGER

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Australian Education Union

Federal Office

*Ground Floor, 120 Clarendon Street, Southbank, Victoria, 3006
PO Box 1158, South Melbourne, Victoria, 3205
Federal Secretary: Nicole Calnan
Federal President: Correna Haythorpe*

*Phone : +61 (0)3 9693 1800
Fax : +61 (0)3 9693 1805
Email : aeu@aeufederal.org.au
Web: www.aeufederal.org.au*

27 January 2026

Mr Murray Furlong
General Manager
Fair Work Commission
GPO Box 1994
Melbourne VIC 3001

Email: regorgs@fwc.gov.au

Dear Mr Furlong,

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, Nicole Calnan being the Federal Secretary of the Australian Education Union make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Australian Education Union.
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 elections.
5. The declarations of results are attached.
6. The rule numbers which specify the formulas are Rule 24(3A), Rule 25, and various Branch Rules concerning the minimum representation of women in connection with any ballots that are necessary for the election the Federal Conference delegates.
7. Federal Rule 30(4) states that the roll of voters is to be closed seven days before the day on which nominations open.
8. The Branch Secretaries to contact for lists of members and other necessary information in relation to these elections are:

Australian Capital Territory Branch

Patrick Judge
PO Box 3042
Manuka ACT 2603
Email: aeuact@aeuact.org.au

New South Wales Teachers Federation Branch

Maxine Sharkey
Locked Bag 3010
Darlinghurst NSW 1300
Email: mail@nswtf.org.au

Northern Territory Branch

Rachael Metcalfe
PO Box 41863
Casuarina NT 0811
Email: admin@aeunt.org.au

Queensland Branch

Kate Ruttiman
PO Box 1750
Milton BC QLD 4064
Email: qtu@qtu.asn.au

South Australian Branch

Matthew Cherry
163 Greenhill Road
Parkside SA 5063
Email : aeusa@aeusa.asn.au

Tasmanian Branch

Brian Wightman
State Manager
1/32 Patrick Street
Hobart TAS 7000
Email: support@aeutas.org.au

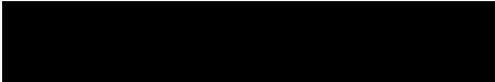
Victorian Branch

Erin Aulich
PO Box 363
Abbotsford Vic 3067
Email : melbourne@aeuvic.asn.au

Western Australian Branch

Sally Dennis
PO Box 212
West Perth WA 6872
Email: reception@sstuwa.org.au

Yours sincerely,



Nicole Calnan
Federal Secretary

ANNEXURE A - Elections that are required

SOUTH AUSTRALIAN BRANCH					
NAME OF OFFICE	TERM OF OFFICE	NUMBER REQUIRED	VOTING SYSTEM	REASON FOR ELECTION	ELECTORATE
Federal Conference Delegate (General Division)	1 January 2026 - 31 December 2027	1	Direct Voting System	Casual Vacancy. <i>This office becomes vacant as per Federal Rule 24 (6) on 1 February 2026.</i>	Financial Members assigned to the General division of the South Australian Branch. <i>Branch Rule 45 (3)(a).</i>
VICTORIAN BRANCH					
NAME OF OFFICE	TERM OF OFFICE	NUMBER REQUIRED	VOTING SYSTEM	REASON FOR ELECTION	ELECTORATE
Yalukit Yulendj (National Aboriginal and Torres Strait Islander Committee) (General Division) Member	1 January 2026 - 31 December 2027	1	Direct Voting System	Casual Vacancy	Financial members assigned to the General Division of the Victorian Branch except that the member being nominated and nominators must be Aboriginal or Torres Strait Islander members. <i>(Branch Rule 54A)</i>
WESTERN AUSTRALIAN BRANCH					
NAME OF OFFICE	TERM OF OFFICE	NUMBER REQUIRED	VOTING SYSTEM	REASON FOR ELECTION	ELECTORATE
Federal Executive Member	1 March 2026 - 31 March 2027	1	Collegiate Voting System	Scheduled. Federal Rule 35 (2) <i>Branch is entitled to 2 delegates. Second position to be filled as per Branch Rules- Federal Rule 35 (e)</i>	Financial members assigned to the TAFE Division of the Western Australian Branch. <i>Branch Rule 12 (5).</i>
Federal Conference Delegate (General Division)	1 January 2026 - 31 December 2027	1	Direct Voting System	Casual Vacancy. <i>This office becomes vacant as per Federal Rule 24 (6) on 1 February 2026.</i>	Financial members assigned to the General Division of the Western Australian Branch. <i>Branch Rule 10(3)(a).</i>

Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by returning officer.	To be determined by returning officer.
Nominations CLOSE	To be determined by returning officer.	To be determined by returning officer.
Roll of Voters cut-off date	7 days prior to nominations opening (Federal rule 30 (4))	7 days prior to nominations opening (Federal rule 30 (4))