



20 June 2017

The Federal Secretary
Independent Education Union of Australia
ieu@ieu.org.au

Dear The Federal Secretary

Organisation must respond to the post-election report of the Australian Electoral Commission: E2016/281

On 9th May 2017 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2016/281 dated 2nd May 2017. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular rules 17 and 17(g). This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regs 141(4) and (5)).

A written response must be provided to the AEC

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

Extract of report must be made available to members

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

Written response must be made available to members

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and



-
- within 30 days of giving the response to the AEC:
 - lodges with the ROC a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
 - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

Penalties may apply

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the ROC for assistance by email to regorgs@roc.gov.au.

If the organisation or branch decides to alter its rules in response to the AEC's report

If the organisation or branch decides to alter its rules in response to the AEC's report, the ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

Christine Hibberd

Registered Organisations Commission

Post-election Report

**Independent Education Union of Australia
E2016/281**

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Election(s) Covered in this Report

Election Decision No/s: E2016/281

Rules

Rules used for the election: 130N: Incorporates alterations of 9/11/2016 [R2016/207]

Rules difficult to apply/interpret:

Rule 17 - References to duties of the “Branch” Returning Officer and the Returning Officer - need to be clarified throughout this rule to avoid confusion with duties and responsibilities of the Returning Officer appointed by the Australian Electoral Commission as per Rule 17(b) to conduct an election, other than that required by 17(c). Consideration could be given to removing the word “Branch” in reference to Branch Returning Officer other than in Rule 17(c).

Rule 17(g) ...forwarded by registered post to the Branch Returning Officeror handed in personally at the Registered Office (*of Branch Returning Officer*).

To prevent a possible irregularity in the election, consideration should be given to any reference to delivery of a nomination form to any office or person other than the Returning Officers address be removed.

Some members experienced problems sending nominations by registered post, consideration should be given to allowing nomination forms to be sent via alternate means instead of or in addition to registered post, such as sending by email, fax, express post, regular or priority mail directly to the AEC Returning Officer’s address.

Module Rule reference (if any) N/A

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

Details of written allegations of irregularities, Nil
and action taken by AEC:

Other irregularities identified, and action taken: Nil

Other Matters

N/A

Attachments

Declaration of Results for Uncontested Offices



Kathryn Montgomery
Returning Officer
2 May 2017



4 April 2017

The Federal Secretary
Independent Education Union of Australia
ieu@ieu.org.au

Dear Federal Secretary,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election of 7 uncontested offices for Federal Branch [E2016/281]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

Holders of office required to undertake approved training

Section 154D(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the rules of organisations (and branches of organisations) to require each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. A list of approved training providers is attached.

Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which should be provided for in your organisation's rules.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Independent Education Union of Australia must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.

2. Person(s) who have commenced to hold office:
 - the name of the office now held;
 - the date of the change of office holder;
 - the name of the person now holding the office;

11 Exhibition Street
Melbourne VIC 3000
GPO Box 1994
Melbourne VIC 3001

Telephone: (03) 8656 4783
Email : orgs@fwc.gov.au
Internet : www.fwc.gov.au

- the postal address of the person (generally the postal address of the organisation); and
- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

Christine Hibberd
Regulatory Compliance Branch

List of approved governance training packages

Approved training material	Provider	Contact person	Contact details
AHAWA Governance and Financial Training	Australian Hotels Association (WA Branch)	Mr Bradley Woods	(08) 9321 7701 ceo@ahawa.asn.au
APTIA Governance and Financial Training Package	Australian Public Transport Industrial Association	Mr Ian MacDonald	(02) 6247 5900 imacdonald@bic.asn.au
Handbook for Councillors of the Australian Industry Group	Australian Industry Group (for provision to Ai Group Councillors only. Not for external parties)	Ms Jenifer Leuba	(03) 9867 0174 jenifer.leuba@aigroup.asn.au
The Australian Workers' Union Professional Training Program Financial Duties of Officers	Australian Workers' Union	General enquiries	(02) 8005 3333 members@nat.awu.net.au
In-Boardroom: Governance and Finance for Registered Organisations	Australian Institute of Company Directors	Various	AICD state-based contacts
ACTU s.154C Training— Union Governance	Australian Council of Trade Unions (ACTU)	Organising Centre Enquiries	(03) 9664 7360 orgcentre@actu.org.au
Governance of Registered Organisations	Weston Woodley & Robertson Chartered Accountants	Mr Dennis Robertson	(02) 9264 9144 dennisr@wwr.com.au
Governance and Financial Accountability for Registered Organisations	Local Government New South Wales	Ms Sarah Artist	(02) 9242 4182 learning@lgnsw.org.au
Australian Hotels Association Financial Management Training	Australian Hotels Association (for provision to AHA officers only. Not for external parties)	Mr Stephen Ferguson	(02) 6273 4007 ceo@aha.org.au
Governance and Finance Training for Registered Organisations	Dickson Wohlsen Pty Ltd, trading as CTA Training	Mr Tom Streater	(07) 3878 9355 tom@dws.net.au
The Registered Organisation Training Act for Organisations and Boards	Vibe Public Relations Consultancy	Ms Anne Andrews	0400 021 679 vibeprctraining@bigpond.com
Training Course for Registered Organisations - Governance and Finance	Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union	Mr Andrew Johnson	andrew.johnson@lgrceu.org
MTAQ Registered Organisation Governance Course	Motor Trades Association of Queensland Industrial Organisation of Employers	Mr Paul Murray	paulm@mtaq.com.au

NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009*

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 1. *[include OLD name and address and NEW name and address of every branch that has changed]*
 2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:³
 - COMMENCED operation:
 1. *[include name of each new branch]*
 2. ...
 - CEASED operation:
 1. *[include name of each closed branch]*
 2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to orgs@fwc.gov.au.]

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:
Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
National	1.1.2014	Secretary	Full Name	Full Name	c/- the Registered Organisation, postal address of Registered Organisation	Paid official
	25.12.2013	President	vacant	Full Name	As above	mechanic
...						
NSW	1.1.2014 (resigned) 7.1.2014 (appointed)	President	Full Name	Full Name	c/- the Branch, postal address of the Branch	mechanic
		Committee of Management Member	Full Name	Full Name	As above	mechanic
		Treasurer	Full Name	vacant	vacant	vacant
...						



Reference: N17/35

Mr Chris Watt
Federal Secretary
Independent Education Union of Australia
Unit 10
40 Brisbane Ave
BARTON ACT 2600

By Email

Dear Mr Watt,

**Independent Education Union of Australia
E2016/281- Scheduled Election 2017
Federal Officers**

The declaration of the election for uncontested offices is attached.

The election is now complete.

Yours sincerely



Kathryn Montgomery
Returning Officer
4 April 2017

cc all candidates & Branch secretaries

Independent Education Union of Australia Scheduled Election 2017

Declaration of Results for Uncontested Offices

E2016/281

Below are the results of the election for the following offices, conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation.

Federal Offices

Federal President

Candidates

QUESSY, John

Federal Deputy President

Candidates

JAMES, Debra

Federal Vice-President (2)

Candidates

BURKE, Terence Patrick

SEIDEL, Glen

Federal Secretary

Candidates

WATT, Christopher

Assistant Federal Secretary (2)

Candidates

COOPER, Christine Louise

ODGERS, Anthony

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.



Kathryn Montgomery
Returning Officer

4 April 2017



DECISION

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

Independent Education Union of Australia (E2016/281)

MR ENRIGHT

MELBOURNE, 1 FEBRUARY 2017

Arrangement for conduct of election.

[1] On 6 December 2016 and 30 January 2017 the Independent Education Union of Australia lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Federal President (1)
Federal Deputy President (1)
Federal Vice-President (2)
Federal Secretary (1)
Assistant Federal Secretary (2)

[2] 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 Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER

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Independent Education Union

Unit 10, 40 Brisbane Avenue
BARTON ACT 2600

PO Box 177
DEAKIN WEST ACT 2600

Telephone: (02) 6273 3107
Fax: (02) 6273 3710

Website: <http://www.ieu.org.au>

6 December 2016

General Manager
Fair Work Commission
Level 4, 11 Exhibition Street
Melbourne Vic 3000

orgs@fwc.gov.au

Dear General Manager

I wish to advise that pursuant to rule 18 of the IEUA Constitution, a ballot is required for the election of IEU President, Deputy President, (2) Vice Presidents, Federal Secretary and (2) Assistant Federal Secretaries.

For the purposes of subsection 189 of the Fair Work (registered Organisations) Act 2009 and regulation 138 Fair Work (Registered Organisations) Regulations 2009, I, Chris Watt being the Federal Secretary of the Independent Education Union of Australia, provide the following information:

- (a) The office of President, Deputy President, two Vice Presidents, Federal Secretary and two Assistant Federal Secretaries are the offices in respect of which an election is required.
- (b) The election is required because the respective terms of office expire in 2017.
- (c) The rules provide that in the year in which the elections are to be held the close of nominations be fixed between 1st March and 31st March.
- (d) The electorate comprises the Federal Council. The rules provide the officers as listed in (a) be elected by and from Federal Council.
- (e) The voting system to be employed in the conduct of the election is the collegiate electoral system.
- (f) The roll of voters closes 7 days before nominations open [Rule 17(q)].

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Chris Watt', written in a cursive style.

Chris Watt
Federal Secretary

Independent Education Union

Unit 10, 40 Brisbane Avenue
BARTON ACT 2600

PO Box 177
DEAKIN WEST ACT 2600



Telephone: (02) 6273 3107

Fax: (02) 6273 3710

Website: <http://www.ieu.org.au>

6 December 2016

General Manager
Fair Work Commission
Level 4, 11 Exhibition Street
Melbourne Vic 3000

orgs@fwc.gov.au

Dear General Manager

I wish to advise that pursuant to rule 18 of the IEUA Constitution, a ballot is required for the election of IEU President, Deputy President, (2) Vice Presidents, Federal Secretary and (2) Assistant Federal Secretaries.

For the purposes of subsection 189(1) of the RAO Schedule and regulation 138, I provide the following information:

- (a) The office of President, Deputy President, two Vice Presidents, Federal Secretary and two Assistant Federal Secretaries are the offices in respect of which an election is required.
- (b) The election is required because the respective terms of office expire in 2017.
- (c) The rules provide that in the year in which the elections are to be held the close of nominations be fixed between 1st March and 31st March.
- (d) The electorate comprises the Federal Council. The rules provide the officers as listed in (a) be elected by and from Federal Council.
- (e) The voting system to be employed in the conduct of the election is the collegiate electoral system.

Yours sincerely,

Chris Watt