

26 March 2020

# Post-election report

Independent Education Union of Australia  
Scheduled election  
E2019/223

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# Election(s) Covered in this Report

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Organisation: Independent Education Union of Australia  
Election: Scheduled  
Election Decision No/s: E2019/223

## Rules

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Rules used for the election: [130N: Incorporates alterations of 14 May 2018] [R2018/45] (replaces rulebook dated 12 April 2018 [R2017/253 and R2017/293])

Rules difficult to apply/interpret: Federal Rule 17(s) is difficult to apply. The rule requires that the Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot. The AEC is unable to secure a ballot box located in a post office. Therefore the Returning Officer, after collecting the returned ballot papers from the post office, keeps them in a secured area inside the AEC premises. It is recommended that the Rules incorporate the AEC's Model Rules Guide (refer to paragraphs 16 & 17).

Federal Rule 17(t), requires the count to be conducted at the 'registered office'. Counting of ballot papers are conducted at AEC offices to ensure security of all ballot materials and to facilitate use of AEC systems, it is recommended that the Rules be amended so that the count is conducted at the premises determined by the Returning Officer. Further, 'opened in the presence of the Scrutineers and counting shall then proceed' is not always practicable as not all appointed scrutineers may be present. It is suggested that the Returning Officer will commence the count at the allotted time as soon as the ballot closes in the presence of the scrutineers who are in attendance.

Model Rule reference (if any): Refer to AEC Model Rules Guide as indicated above.

For more details see the Model Rules on the AEC website:  
([https://www.aec.gov.au/About\\_AEC/AEC\\_Services/Industrial\\_Elections](https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections))

## Roll of Voters

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

## Irregularities

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Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: None

## Other Matters

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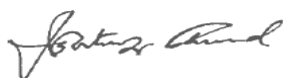
Returning Officer actions required (Section 193): Yes

Details:

1. As there is no rule pertaining to the withdrawal of Nomination, as the Returning Officer, I applied Section 193(1) (b) of *the Act* to fix a closing time for the withdrawal of nomination and the withdrawal period was fixed in line with the close of nomination period.
2. Federal Rule 17(s) is difficult to apply. The rule requires that the Returning Officer will collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot. The AEC is unable to secure a ballot box located in a post office. Therefore as the Returning Officer, I applied Section 193(1) (b) of *the Act* so that after collecting the returned ballot papers from the post office, they could be kept in a secured area inside the AEC premises.
3. Federal rule 17 (t) will be difficult to apply as it states that the ballot box will be opened by the Returning Officer in the presence of Scrutineers. As the Returning Officer, I applied Section 193(1) (b) of *the Act* to open the ballot box for counting the ballot papers in the presence of scrutineers in attendance at the time fixed for the scrutiny.
4. According to rule 18(g) (vii), the election shall be conducted as quickly as possible, with two clear weeks being allowed between the posting of ballot papers and the date by which ballot papers must be returned. As it may take longer time for the Australia Post to complete the delivery and return procedure in between states, as the Returning Officer, I applied Section 193(1) (b) of *the Act* to extend the ballot period to three clear weeks to ensure Australia post delivers the ballot envelopes efficiently to respective voters of different states.

## Signed

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Ishtiaq Ahmed  
Returning Officer  
Australian Electoral Commission  
E: nswelections@aec.gov.au  
P: 02 9375 6331  
26 March 2020

# Attachments

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A. Declaration of Results for Uncontested Offices

**Independent Education Union of Australia**  
**DECLARATION OF RESULTS - E2019/223**  
**Uncontested Offices**

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**Scheduled Election**

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 are:

**Federal President (1)**

Candidates

JAMES Debra

**Federal Secretary (1)**

Candidates

WATT Chris

**Assistant Federal Secretaries (2)**

Candidates

COOPER Christine

ODGERS Anthony

**Deputy President (1)**

Candidates

BURKE Terry

**Vice Presidents (2)**

Candidates

NORTHAM Mark

SEIDEL Glen

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



Ishtiaq Ahmed  
Returning Officer  
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17/03/2020



## DECISION

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

### **Independent Education Union of Australia** (E2019/223)

MR ENRIGHT

MELBOURNE, 21 JANUARY 2020

*Arrangement for conduct of election.*

[1] On 12 December 2019 the Independent Education Union of Australia lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Federal President	(1)
Federal Secretary	(1)
Assistant Federal Secretaries	(2)
Deputy President	(1)
Vice Presidents	(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 COMMISSIONER

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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, Christopher Watt, being the Federal Secretary of the Independent Education Union of Australia make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Independent Education Union of Australia.
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.

Signed:



Christopher Watt, Federal Secretary

Dated:

12/12/19.



## Annexure A

- Elections that are required

<b>Federal Officers</b>	<b>Name of Office</b>	<b>Number required</b>	<b>Voting System</b> <i>Direct voting system; Collegiate electoral system</i>	<b>Reason for Election</b> <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	<b>Electorate</b>
Federal Office	Federal President	1	Collegiate electoral system	Scheduled	Federal Council; Rule 18(a)
Federal Office	Federal Secretary	1	Collegiate electoral system	Scheduled	Federal Council; Rule 18(a)
Federal Office	Assistant Federal Secretary	2	Collegiate electoral system	Scheduled	Federal Council; Rule 18(a)
Federal Office	Deputy President	1	Collegiate electoral system	Scheduled	Federal Council; Rule 18(a)
Federal Office	Vice President	2	Collegiate electoral system	Scheduled	Federal Council; Rule 18(a)

- Important dates:

<b>Collegiate Electoral System</b>	
<b>Nominations OPEN</b>	To be determined by returning officer
<b>Nominations CLOSE</b>	Between 1 March 2020 and 31 March 2020
<b>Roll of Voters cut off date</b>	To be determined by returning officer