

28 May 2021

Post-election report

Independent Education Union of Australia
New South Wales/Australian Capital Territory Branch
Scheduled election
E2020/37

Contents

Election(s) Covered in this Report.....	3
Rules	3
Roll of Voters.....	3
Irregularities.....	3
Other Matters.....	3
Signed.....	4
Attachments.....	5
A. Consolidated Report on Roll of voters.....	5
B. Declaration of Results for Uncontested Offices	5
C. Declaration of Results for Contested Offices	5

Election(s) Covered in this Report

Organisation: Independent Education Union of Australia - New South Wales/Australian Capital Territory Branch
Election: Scheduled
Election Decision No/s: E2020/37

Rules

Rules used for the election: [130N: Incorporates alterations of 16 October 2020 [R2020/119] And [R2020/135]] (replaces rulebook dated 12 October [R2020/88])

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website:

https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections

Roll of Voters

Total number of voters on the Roll: See Attachment A
Number of apparent workplace addresses:

Number of non-current addresses:

Other matters pertaining to the roll of voters:

Irregularities

Details of written allegations of irregularities, and action taken by AEC: N/A

Other irregularities identified, and action taken: N/A

Other Matters

Returning Officer actions required (Section 193): Yes
Details:

- Branch Rule 10.14 (c) states that the roll of voter closes at 1st May and rule 10.14 (e) states that the nomination must be received not later than fifth day of May. Rule 10.14 (a) provides for a two year term for Delegates. In accordance with these rules, the close of roll should have occurred on 1st May 2020 and nominations received no later than 5th May 2020. These rules were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varies from the rules has been set.
- The effect of branch rules 10.14 (c) and 10.14 (e) would mean that the nominations close 5 days after the roll closes. Subsection 143(3) of the Fair Work (Registered Organisation) Act 2009 (FWRO Act) requires rules to provide that the roll closes 7-30 days before nominations open. Consequently the Branch rules are defective. The Returning Officer will apply subparagraph 193(1) (b)(ii) of the FWRO Act 2009 and follow the federal rule 17(h) which allows for a nomination period of least 21 days with the roll closing 7 days before nominations opening.
- As there is no rule pertaining to the withdrawal of the Nomination, the Returning Officer will apply subparagraph 193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009 to fix a closing time for the withdrawal of the nomination and the withdrawal period will align with the close of the nomination period.
- Branch rules of the Organisation are silent about the ballot closing date. But the Federal rule 17(p) and 17(r) states that the ballot to be closed on the 22nd day after the opening of the ballot. Due to current delivery time taken by the Australia Post, the ballot period is not sufficient. The Returning Officer will apply subparagraph 193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009 to extend the period and will allow 28 days instead of 22 days.
- Rules are silent on remedying defective nominations. Subsection 143(1) (c) of the Fair Work (Registered Organisation) Act 2009 requires that at least 7 days defect period from the date of the notification is required. The Returning Officer will apply subparagraph 193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009 and will allow 7 days from the date of the notification to remedy the defect. It is recommended that the Rules incorporate the AEC's Model Rules Guide (refer to paragraph 9.1.1).

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

Signed



Ishtiaq Ahmed
 Returning Officer
 Australian Electoral Commission
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 P: 02 9375 6331
 28 May 2021

Attachments

- A. Consolidated Report on Roll of voters
- B. Declaration of Results for Uncontested Offices
- C. Declaration of Results for Contested Offices

Independent Education Union of Australia
New South Wales/Australian Capital Territory Branch
DECLARATION OF RESULTS - E2020/37
Contested Offices

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:

Central West sub-branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	1,241
Number of voters issued with voting material	1,241
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	1,241
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	127
Number of declaration envelopes rejected at preliminary scrutiny (minus)	3
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	124
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	11
Voting material packs not returned by voters by closing date of the ballot	1,103
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	10 %

Branch Council Delegates (6)

<u>Candidates</u>	<u>Final Votes</u>
DUMAS, JAMES JOHN	89
HAYWARD, Geoff	103
DUNDON, Simon	107
HUGHES, Louise	120
ANDRISKE, Karen	101
NUNN, Peter	114
MARTINEZ, Kylie	104

Total ballot papers admitted for this office	124
Formal Ballot papers	123
Informal Ballot papers	1

I declare the following elected:

	Order Elected
• HUGHES, Louise	1
• NUNN, Peter	2
• DUNDON, Simon	3
• MARTINEZ, Kylie	4
• HAYWARD, Geoff	5
• ANDRISKE, Karen	6

South Coast sub-branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	2,843
Number of voters issued with voting material	2,843
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	2,843
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	266
Number of declaration envelopes rejected at preliminary scrutiny (minus)	1
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	265
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	19
Voting material packs not returned by voters by closing date of the ballot	2,558
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	9 %

Branch Council Delegates (6)

<u>Candidates</u>	<u>Final Votes</u>
CIMINO, Marco	165
ROGERS, Ann	242
WILLETT, Jonathan	211
JANCETIC, Shirley	201
LOWE, Glenn	232
D'SOUZA, Katherine	247
MASTERSON, Michelle	238

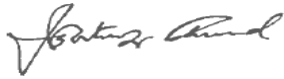
Total ballot papers admitted for this office	265
Formal Ballot papers	256
Informal Ballot papers	9

I declare the following elected:

- D'SOUZA, Katherine
- ROGERS, Ann
- MASTERSON, Michelle
- LOWE, Glenn
- WILLETT, Jonathan
- JANCETIC, Shirley

Order Elected

1
2
3
4
5
6



Ishtiaq Ahmed
Returning Officer
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04/05/2021



Independent Education Union of Australia
New South Wales/Australian Capital Territory Branch
DECLARATION OF RESULTS - E2020/37
Uncontested Offices

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:

Central Coast sub-branch

Branch Council Delegates (5)

Candidates

HALL Ann
HEFFERNAN John
PEEL Janice
TERRY David
WILMOTT Luke

Central Metropolitan sub-branch

Branch Council Delegates (6)

Candidates

BONFIGLIO Angela

Cumberland sub-branch

Branch Council Delegates (6)

Candidates

PALUZZANO KARYN LESLEY
PALUZZANO Robert

Hunter Valley sub branch

Branch Council Delegates (6)

Candidates

COFFEY Sidonie
COOPER Vincent
CRITICOS Peter
JIRMAN PHILIP
STOCKER Kelli
WILSON MARK

Ku-Ring-Gai sub-branch

Branch Council Delegates (6)

Candidates

No Nominations Accepted

Lansdowne sub-branch

Branch Council Delegates (6)

Candidates

No Nominations Received

Metropolitan East sub-branch

Branch Council Delegates (6)

Candidates

MUSCAT Jenny

OSBORNE Gary
WARNE Shannon
WHITEHEAD James

Mid North Coast sub-branch

Branch Council Delegates (6)

Candidates

ADAMS Pam
BENNETT Brett
HENRY-SCHLENTZICH Corinne
MURTAGH Mary
ROBINSON Leon Terry
RYAN Terrienne

Monaro sub-branch

Branch Council Delegates (6)

Candidates

BRADLEY Bernadette
HEHMENSICH Eugene
LEET Anne Louise
LEFEBVRE Dianne
MCPHERSON Karen
SLACK Debra

North Coast sub-branch

Branch Council Delegates (6)

Candidates

ALLEN JENNIFER
CAHILL Belinda
EGAN Kath
FITZPATRICK Marty
HOWARD Mary
NAMRELL Michael

North West sub-branch

Branch Council Delegates (5)

Candidates

CLYNCH Kate
MILLER Judy
O'NEILL Fiona
WHARTON Alex

Northern Beaches sub-branch

Branch Council Delegates (5)

Candidates

No Nominations Received

Northern Suburbs sub-branch

Branch Council Delegates (6)

Candidates

ANDERSON MARK
NAICKER Will

Penrith / Blue Mountains sub-branch

Branch Council Delegates (6)

Candidates

HEGGART Elizabeth

O'DONNELL MARGARET

Principals sub-branch

Branch Council Delegates (4)

Candidates

O'NEILL Noeleen

Riverina sub-branch

Branch Council Delegates (6)

Candidates

CREECE Vanessa

GAFFNEY Peter

GOSS Mercedes

LEWIS Nicole

RYALL Narelle

South East sub-branch

Branch Council Delegates (5)

Candidates

FOSTER Wayne

FRASER Simon

HILL Wendy

SCOTT Angela M

WORTHY Beth

Southern Suburbs sub-branch

Branch Council Delegates (6)

Candidates

GAWIDZIEL Steven

JONES Stuart

KERMODE Amy

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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Email: IEEvents@aec.gov.au
04/05/2021



DECISION

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

Independent Education Union of Australia (E2020/37)

MR ENRIGHT

MELBOURNE, 17 MARCH 2020

Arrangement for conduct of election.

[1] On 6 February 2020 the Independent Education Union of Australia-New South Wales/Australian Capital Territory Branch lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Branch Council Delegates from the following sub-branches:

Central Coast	(5)
Central Metropolitan	(6)
Central West	(6)
Cumberland	(6)
Hunter Valley	(6)
Ku-Ring-Gai	(6)
Lansdowne	(6)
Metropolitan East	(6)
Mid North Coast	(6)
Monaro	(6)
North Coast	(6)
North West	(5)
Northern Beaches	(5)
Northern Suburbs	(6)
Penrith/Blue Mountains	(6)
Principals	(4)
Riverina	(6)
South Coast	(6)
South East	(5)
Southern Suburbs	(6)

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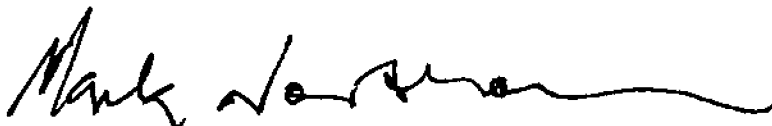
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PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009

I, Mark Northam, being the Secretary of the Independent Education Union of Australia, NSW/ACT Branch make the following statement:

1. I am authorised to sign this statement containing prescribed information for NSW/ACT 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.
5. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.
6. *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 6.4 of the NSW/ACT Branch Rules of the IEUA rules, page 44.
 - b. Sub-branches shall be entitled to elect Delegates to Council on the basis of two Delegates for the first two hundred financial members or part thereof and an additional Delegate for each additional two hundred financial members or part thereof, to a maximum of six Delegates. For the purpose of this paragraph, membership of the sub-branch shall be determined as at 1st January in the Year in which the election of Delegates to Council is held.

Signed:



Dated:

6/2/2020

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

Annexure A

- Elections that are required

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
NSW/ACT Branch	Central Coast sub-branch	5	Direct Voting System	Scheduled	<i>Rule 10.14 of NSW/ACT Branch Rules of IEUA rules, page 55 (791 eligible members)</i>
NSW/ACT Branch	Central Metropolitan sub-branch	6	Direct Voting System	Scheduled	<i>Rule 10.14 of NSW/ACT Branch Rules of IEUA rules, page 55 (2316 eligible members)</i>
NSW/ACT Branch	Central West sub-branch	6	Direct Voting System	Scheduled	<i>Rule 10.14 of NSW/ACT Branch Rules of IEUA rules, page 55 (1177 eligible members)</i>
NSW/ACT Branch	Cumberland sub-branch	6	Direct Voting System	Scheduled	<i>Rule 10.14 of NSW/ACT Branch Rules of IEUA rules, page 55 (2571 eligible members)</i>
NSW/ACT Branch	Hunter Valley sub-branch	6	Direct Voting System	Scheduled	<i>Rule 10.14 of NSW/ACT Branch Rules of IEUA rules, page 55 (2535 eligible members)</i>
NSW/ACT Branch	Ku-Ring-Gai sub-branch	6	Direct Voting System	Scheduled	<i>Rule 10.14 of NSW/ACT Branch Rules of IEUA rules, page 55 (1036 eligible members)</i>

NSW/ACT Branch	Landsdowne sub-branch	6	Direct Voting System	Scheduled	<i>Rule 10.14 of NSW/ACT Branch Rules of IEUA rules, page 55 (2544 eligible members)</i>
NSW/ACT Branch	Metropolitan East sub-branch	6	Direct Voting System	Scheduled	<i>Rule 10.14 of NSW/ACT Branch Rules of IEUA rules, page 55 (1532 eligible members)</i>
NSW/ACT Branch	Mid North Coast sub-branch	6	Direct Voting System	Scheduled	<i>Rule 10.14 of NSW/ACT Branch Rules of IEUA rules, page 55 (938 eligible members)</i>
NSW/ACT Branch	Monaro sub-branch	6	Direct Voting System	Scheduled	<i>Rule 10.14 of NSW/ACT Branch Rules of IEUA rules, page 55 (1537 eligible members)</i>
NSW/ACT Branch	North Coast sub-branch	6	Direct Voting System	Scheduled	<i>Rule 10.14 of NSW/ACT Branch Rules of IEUA rules, page 55 (1030 eligible members)</i>
NSW/ACT Branch	North West sub-branch	5	Direct Voting System	Scheduled	<i>Rule 10.14 of NSW/ACT Branch Rules of IEUA rules, page 55 (715 eligible members)</i>
NSW/ACT Branch	Northern Beaches sub-branch	5	Direct Voting System	Scheduled	<i>Rule 10.14 of NSW/ACT Branch Rules of IEUA rules, page 55 (714 eligible members)</i>
NSW/ACT Branch	Northern Suburbs sub-branch	6	Direct Voting System	Scheduled	<i>Rule 10.14 of NSW/ACT Branch Rules of IEUA rules, page 55 (1381 eligible members)</i>

NSW/ACT Branch	Penrith / Blue Mountains sub-branch	6	Direct Voting System	Scheduled	<i>Rule 10.14 of NSW/ACT Branch Rules of IEUA rules, page 55 (1781 eligible members)</i>
NSW/ACT Branch	Principals sub-branch	4	Direct Voting System	Scheduled	<i>Rule 10.14 of NSW/ACT Branch Rules of IEUA rules, page 55 (605 eligible members)</i>
NSW/ACT Branch	Riverina sub-branch	6	Direct Voting System	Scheduled	<i>Rule 10.14 of NSW/ACT Branch Rules of IEUA rules, page 55 (1117 eligible members)</i>
NSW/ACT Branch	South Coast sub-branch	6	Direct Voting System	Scheduled	<i>Rule 10.14 of NSW/ACT Branch Rules of IEUA rules, page 55 (2658 eligible members)</i>
NSW/ACT Branch	South East sub-branch	5	Direct Voting System	Scheduled	<i>Rule 10.14 of NSW/ACT Branch Rules of IEUA rules, page 55 (725 eligible members)</i>
NSW/ACT Branch	Southern Suburbs sub-branch	6	Direct Voting System	Scheduled	<i>Rule 10.14 of NSW/ACT Branch Rules of IEUA rules, page 55 (1812 eligible members)</i>

- Important dates:

	Direct Voting System
Nominations OPEN	7 April 2020
Nominations CLOSE	5 May 2020 (Rule 10.14 (e) page 55) or to be determined by the returning officer
Roll of Voters cut-off date	1 May 2020 (Rule 10.14 (c) page 55)