



DECISION

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

Independent Education Union of Australia (E2017/178)

MR ENRIGHT

MELBOURNE, 28 JULY 2017

Arrangement for conduct of election.

[1] On 5 and 26 July 2017 the Queensland and Northern Territory Branch (the Branch) of the Independent Education Union of Australia (the organisation) lodged with the Registered Organisations Commission (the Commission) prescribed information for an election to fill the following offices, due to insufficient nominations received in previous elections (**E2016/143 and E2016/144**):

Delegate to Federal Council from the Queensland Division	(1)
Branch Executive Member (Northern Territory Division)	(2)
Branch Executive Member (Queensland Division)	(2)
Northern Territory Division Advisory Committee Member from the following Sub-divisions:	
Darwin Urban	(2)
Top End Rural	(1)
Southern Region - Alice Springs	(1)

[2] On 26 July 2017, the Commission contacted the Branch and enquired as to the reasons for the delay in lodging the prescribed information for these offices when the declaration of results in the previous elections were made in August 2016, and which stated that no nominations for the above offices were received.

[3] On 26 July 2017, Mr Terence Patrick Burke, the Branch Secretary of the organisation, wrote to the Commission stating that the reason for the delay in lodging the prescribed information was due largely to the Branch being “*occupied with significant industrial campaigns which have been a distraction and the sequence of Branch Executive meetings to provide authorisation to make the requests has been widely spaced*”.

[4] Whilst I note the reason provided by Mr Burke for the delay in lodging prescribed information, I do not accept that as a satisfactory reason for not lodging prescribed information for more than ten months after the declaration of results were released by the

Australian Electoral Commission. The consequence of that is, in my view, a situation that does not encourage the democratic functioning and control of an organisation. A key component of democratic functioning includes the conduct of regular elections to ensure that the number of office holders elected by members of an organisation corresponds with the number provided in its rules.

[5] I do not however propose to frustrate the democratic function of the above organisation to conduct an election to fill the unfilled office. However, future prescribed information in relation to elections arising as a result of insufficient nominations must be lodged with the Commission in a more timely manner.

[6] 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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<Price code A, PR350790>

From: Tessa McKenzie <tmckenzie@qieu.asn.au>
Sent: Wednesday, 26 July 2017 3:36 PM
To: MOUTEVELIS,Michael
Subject: Correspondence from Terry Burke
Attachments: 20170726153009687.pdf; 20170726153018898.pdf

Dear Michael

Thank you for your phone call earlier today.

Please find attached correspondence from Terry Burke; Requesting for Conduct of Election.

Many thanks
Tessa



Tessa McKenzie
Clerical Officer
Email: tmckenzie@qieu.asn.au
Phone: (07) 3839 7020
Freecall: 1800 177 938
Post: 346 Turbot St, Spring Hill QLD 4000



I acknowledge the Jagera and Turrbal people, whose civilisation has stretched across the land on which I live and work for over 60 000 years, and extend my respect to all Aboriginal and Torres Strait Islander peoples and their leaders past, present and future.

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Our ref:

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Federal Delegates\FED170726 - correspondence.docx
8/1/14a

Wednesday, 26 July 17

Mr Michael Moutevelis
Registered Organisations Commission
Level 10, Terrace Tower, 80 William Street
EAST SYDNEY NSW 2011

Also via email: michael.moutevelis@roc.gov.au

Dear Mr Moutevelis

Re: Request for Conduct of Election

- **Branch Delegates to Independent Education Union of Australia (IEUA) Federal Council**
- **IEUA-QNT Branch Executive Delegates**

I refer to the above matter and specifically our correspondence of:

Wednesday, 5 July 2017
Wednesday, 26 July 2017

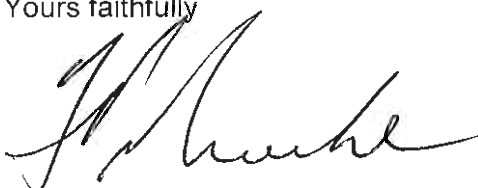
I acknowledge that these applications are with reference to an election declared on 28 October 2016 and that is some considerable interval between that declaration and these requests to fill the unfilled positions.

The reason for this delay has been in the first instance the reality of school programs in that the months of November to February staff in schools are effectively problematic in making reliable contact.

In terms of subsequent months the Branch has been occupied with significant industrial campaigns which have been a distraction and the sequence of Branch Executive meetings to provide authorisation to make the requests has been widely spaced.

I trust this provides an explanation of our delay in making these requests.

Yours faithfully



TERENCE BURKE
SECRETARY

Wednesday, 26 July 17

Mr Michael Moutevelis
Registered Organisations Commission
Level 10, Terrace Tower, 80 William Street
EAST SYDNEY NSW 2011

Also via email: michael.moutevelis@roc.gov.au

Dear Mr Moutevelis

**Re: Request for Conduct of Election
Branch Delegates to Independent Education Union of Australia (IEUA) Federal
Council**

In accordance with Chapter 7 Part 2 of the Fair Work (Registered Organisations) Act 2009, I provide the following prescribed information in accordance with the requirements of subsection 189(1).

Re Fair Work (Registered Organisations) Regulations 2009 – subsection 138(1)(a) and (c)

That in accordance with Rule 8 of the Federal Rules of the IEUA and Rule 13 of the Rules of the Independent Education Union of Australia Queensland and Northern Territory Branch (IEUA-QNT) an election is required for:

Queensland Division Federal Council Delegates – One (1)

I would advise that the IEUA-QNT membership at 31 December 2016 was 17,798 and that, in accordance with Rule 8(c) of the Federal Rules of the IEUA, the IEUA-QNT Branch is therefore entitled to ten (10) delegates to Federal Council.

Re Fair Work (Registered Organisations) Regulations 2009 – subsection 138(1)(b)(i)

This election is made necessary in that the current term of office of the incumbents expires on 1 December 2020.

Re Fair Work (Registered Organisations) Regulations 2009 – subsection 138(1)(d)

That in accordance with Rule 13.1 of the IEUA-QNT Branch Rules, members of the Northern Territory Division shall elect one (1) delegate to Federal Council.

That in accordance with Rule 13.2 of the IEUA-QNT Branch Rules, members of the Queensland Division shall elect the balance of the delegates (nine (9)) to Federal Council.

Re Fair Work (Registered Organisations) Regulations 2009 subsection 138(1)(e)

Rule 17 of the Federal Rules of the IEUA is relevant and Rules 17(e), (h), (p) and (r) determine timeframes.

In setting dates for the election process I would advise that the Union journal goes to print on 4 September 2017; however we can communicate directly with all members and do not rely only on printed publications.

I would propose the following dates:

Nominations Open	Monday, 2 October 2017 (9:00 am)
Nominations Close	Friday, 3 November 2017 (4:00 pm)
Ballot Opens	Monday, 20 November 2017 (9:00 am)
Ballot Closes	Tuesday, 5 December 2017 (noon)

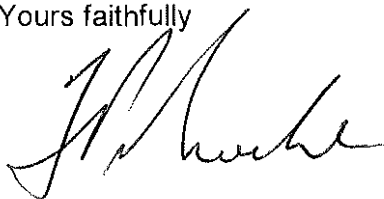
Re Fair Work (Registered Organisations) Regulations 2009 – subsection 138(1)(f)

That in accordance with Rule 17(q) of the Federal Rules of the IEUA, the books of the Branch shall be deemed to have closed as at seven (7) clear days before the opening date of the nominations.

Re Fair Work (Registered Organisations) Regulations 2009 – subsection 138(1)(g)

Federal Rule 17(v) provides for a preferential voting system.

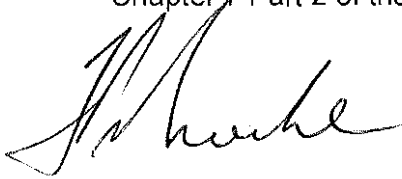
Yours faithfully



**TERENCE BURKE
SECRETARY**

STATEMENT OF FACT

1. I, Terence Patrick Burke, Secretary, being an officer of the Independent Education Union of Australia Queensland and Northern Territory Branch, make the following statement of fact.
2. I am an officer of the organisation authorised to make this statement.
3. The information lodged with this statement is in accordance with subsection 189(1) of Chapter 7 Part 2 of the Fair Work (Registered Organisations) Act 2009.



TERENCE BURKE
SECRETARY
INDEPENDENT EDUCATION UNION OF AUSTRALIA
QUEENSLAND AND NORTHERN TERRITORY BRANCH

26 JULY 2017

From: Tessa McKenzie <tmckenzie@qieu.asn.au>
Sent: Wednesday, 5 July 2017 3:15 PM
To: ROC - Registered Org Commission
Subject: IEUA-QNT Request for Conduct of Elections -
Attachments: IEUA-QNT1614tb.pdf

From: Tessa McKenzie
Sent: Wednesday, 5 July 2017 2:19 PM
To: orgs@fwc.gov.au
Subject: Request for Conduct of Elections - IEUA-QNT

Good afternoon

Please find attached correspondence from Terry Burke regarding Request for Conduct of Elections.

Many thanks
Tessa



Tessa McKenzie
Clerical Officer

Email: tmckenzie@qieu.asn.au
Phone: (07) 3839 7020
Freecall: 1800 177 938
Post: 346 Turbot St, Spring Hill QLD 4000



I acknowledge the Jagera and Turrbal people, whose civilisation has stretched across the land on which I live and work for over 60 000 years, and extend my respect to all Aboriginal and Torres Strait Islander peoples and their leaders past, present and future.

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Northern Territory Division Advisory Committee

An election is also required for certain positions on the Northern Territory Division Advisory Committee. Rule 14.3 of the Rules of the IEUA-QNT Branch provides that the Division Advisory Committee shall be comprised of the five (5) Northern Territory Division persons elected to the Branch Executive and a further four (4) Northern Territory Division persons who shall be elected at the same time in a separate ballot conducted consistent with the provisions of Rule 10 of the Rules of the IEUA-QNT Branch.

These elections are made necessary in that at the 2016 Quadrennial election insufficient nominations were received to fill the following positions;

Darwin Urban two (2) persons to the Division Advisory Committee,
Top End Rural one (1) person to the Division Advisory Committee, and
Southern Region – Alice Springs one (1) person to the Division Advisory Committee.

Rule 14.3 of the Rules of the IEUA-QNT Branch provides that for the purposes of conducting an election for the additional four (4) persons the Northern Territory Division shall be divided into three sub-divisions as follows:

- (i) Darwin Urban which shall elect two (2) persons to the Division Advisory Committee;
- (ii) Top End Rural which shall elect one (1) person to the Division Advisory Committee; and
- (iii) Southern Region – Alice Springs which shall elect one (1) person to the Division Advisory Committee.

Each member employed in a school (or domiciled, if not employed) in the designated area shall be allocated to the respective sub-division.

The current term of office for the Northern Territory Division Advisory Committee positions expires on (Noon) 31 October 2020 (IEUA-QNT Branch Rules 10.28 and 14.3).

Re Fair Work (Registered Organisations) Regulations 2009 – subsection 138(1)(e)

Rule 10.8 of the Rules of the IEUA-QNT Branch requires that the date for the completion of the Branch Executive election shall be not later than 17 October 2016.

The Quadrennial election for the period 2016 – 2020 is incomplete while these positions remain unfilled.

In setting dates for the election process I would advise that the Union's journal will next be published on 4 September 2017.

I would propose the following dates:

Nominations Open	Monday, 2 October 2017 (9:00 am)
Nominations Close	Friday, 3 November 2017 (4:00 pm)
Ballot Opens	Monday, 20 November 2017 (9:00 am)
Ballot Closes	Tuesday, 5 December 2017 (noon)
School vacation Periods:	15 September – 3 October 2017 (Queensland); and 29 September – 9 October 2017 (Northern Territory).

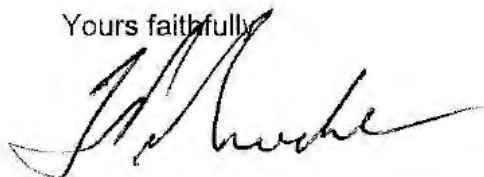
Re Fair Work (Registered Organisations) Regulations 2009 – subsection 138 (1)(f)

In accordance with Federal Rule 17(q) for the purpose of this election the books of the Branch shall be deemed to have closed as at seven (7) clear days before the opening date of nominations.

Re Fair Work (Registered Organisations) Regulations 2009 – subsection 138(1)(g)

The voting system to be used is the direct voting system and is first past the post. The Rules allow for an order of preference to be indicated by the voter (Branch Rule 10.27).

Yours faithfully

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

**TERRY BURKE
SECRETARY**

Encl.

STATEMENT OF FACT

1. I, Terence Patrick Burke of 346 Turbot Street, Spring Hill in the State of Queensland, and an officer of the Independent Education Union of Australia Queensland and Northern Territory Branch, make the following statement of fact.
2. I am an officer of the organisation authorised to make this statement.
3. The information lodged with this statement is in accordance with section 189 of Chapter 7 Part 2 of the Fair Work (Registered Organisations) Act 2009, and section 138 of the Fair Work (Registered Organisations) Regulations 2009.



TERENCE P BURKE
SECRETARY
INDEPENDENT EDUCATION UNION OF AUSTRALIA
QUEENSLAND AND NORTHERN TERRITORY BRANCH

5 JULY 2017

Independent Education Union of Australia

Queensland and Northern Territory Branch

Declaration of Results for Uncontested Offices

E2016/143 & E2016/144

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.

Queensland Division

Delegate to Federal Council from Queensland Division (9)

Candidates

BURKE, Terence P
CONNELLAN, Aleisha
COOPER, Christine Louise
ELPHINSTONE, Andrew
GILES, Paul Noel
HAYES, Bradley
SISSON, Rebecca Gayle
SPRIGGS, John
No further nomination was accepted

Branch Executive Member from Queensland Division (29)

Candidates

BURKE, Terence P
BYRNES, Lynette
CHAPMAN, Christopher Leon
COLWELL, Janine
CONNELLAN, Aleisha
COOPER, Anthony
DAY, Beverley Anne
DEWAARD, Peter A
ELPHINSTONE, Andrew
FINLAY, Jennifer Marlene
GILES, Paul Noel
GOLDBURG, Bryce Thomas
GRANT, Col
HALLAM, Anthony Gerard
HAWKINS, Erin
HAYES, Brad
HUGHES, Ian
KADDATZ, Neridah Ruth
KENNEDY, John
LOVE, Cameron
MARTIN, Lea Margaret
MUHLING, Mick
PROUTEN, Jessica Nancye
ROTH, Melissa
SISSON, Rebecca Gayle
STREET, Andrew John
YOUNG, Karyl
No further nominations were accepted

NT Division

Delegate to Federal Council from the Northern Territory Division

Candidates

SCHULTZ, Erica

Branch Executive Member from Northern Territory Division (5)

Candidates

LENZO, Louise

SCHULTZ, Erica

TYPUSZAK, Samuel R.

No further nominations were accepted

Darwin Urban Sub-Division

NT Division Advisory Committee Member (2)

Candidates

No nominations were received

Top End Rural Sub-Division

NT Division Advisory Committee Member

Candidates

No nomination was received

Southern Region - Alice Springs Sub-Division

NT Division Advisory Committee Member

Candidates

No nomination was received

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



Lee Jones
Returning Officer
23 August 2016