

- Independent Education Union of Australia Qld & NT Divisions - Federal Council Delegate Election

Declaration of Results for Uncontested Offices

E2013/289

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 (8)

Candidates

BURKE, Terence
CONNELLAN, Aleisha
COOPER, Christine
ELPHINSTONE, Andrew
GILES, Paul Noel
HAYES, Brad
MCLENNAN, Roslyn
SPRIGGS, John

NT Division

Delegate to Federal Council from the Northern Territory Division

Candidates

SCHULTZ, Erica

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

Lorraine Donaghey
Returning Officer

18/12/2013

Terence P. Burke
Branch Secretary
Independent Education Union of Australia

Post Election Report For: Independent Education Union of Australia
Delegate to Federal Council from the Queensland Division (8)
Delegate to Federal Council from the Northern Territory Division (1)
Election No E2013/289

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to the Fair Work Australia, Secretary of the organisation or branch for whom the election was conducted, and Industrial Elections. A copy of the report in relation to this election is attached.

Section 198 of Schedule 1 requires that if an organisation or branch is given a post-election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post-election report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the Fair Work (Registered Organisations) Act 2009 requires an organization or branch to publish a notice on its web site advising members that a copy of the post-election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Yours Sincerely

20/12/2013

X 

L Donaghey

Signed by: Lorraine Donaghey

Lorraine Donaghey
Returning Officer
20/12/2013



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Independent Education Union of Australia

Queensland and Northern Territory Branch

Delegate to Federal Council from the Queensland Division (8)

Delegate to Federal Council from the Northern Territory Division (1)

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: E2013/289

RULES

Rules used for the election: *130N-: Incorporates alterations of 4/7/2013 (R2013/200)*

Rules difficult to apply/interpret: *None*

Model 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, and action taken by AEC: *None*

Other irregularities identified, and action taken: *None*

ATTACHMENTS

- 1) Declaration of Results for Uncontested Offices – QLD and NT

Lorraine Donaghey
Returning Officer

20/12/2013



DECISION

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

Independent Education Union of Australia (E2013/289)

MR ENRIGHT

MELBOURNE, 11 NOVEMBER 2013

Arrangement for conduct of election.

[1] On 24 October and 6 November 2013 the Independent Education Union of Australia - Queensland and Northern Territory Branch lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Delegate to Federal Council from the Queensland Division (8)
Delegate to Federal Council from the Northern Territory Division (1)

[2] The prescribed information was not lodged before the day prescribed by Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. That day is the day occurring 2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in the election. The Branch has requested that I allow a later day for the lodgement of the prescribed information under subsection 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act). Having considered the reason for late lodgement, I allow lodgement on 24 October 2013 in this instance.

[3] 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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<Price code A, PR544222>

Wednesday, 6 November 2013

Mr Chris Enright
Director
Regulatory Compliance Branch
Fair Work Commission
GPO Box 1994
MELBOURNE VIC 3001

Dear Mr Enright

Attention: Mr Larry Powell
[*larry.powell@fwc.gov.au*](mailto:larry.powell@fwc.gov.au)

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

A request is made for the extension of time for the conduct of the election required under Federal Rule 17(h).

Under Rule 17(h) the election shall conclude no later than 31 October 2013.

I formally request an extension of the period for the election. The failure to lodge a timely application was an administrative oversight with our most recent elections for IEUA-QNT Branch positions held on a four year cycle rather than the Federal Council elections on a three year cycle.

In regard to the conduct of an election and 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 – Eight (8)
Northern Territory Division Federal Council Delegate – One (1)

I would advise that the IEUA-QNT membership at 31 December 2012 was 15,844 and that, in accordance with Rule 8(c) of the Federal Rules of the IEUA, the IEUA-QNT Branch is therefore entitled to nine (9) delegates to Federal Council.

Rule 13 of the Rules of the IEUA-QNT Branch provides that members of the Northern Territory Division elect one (1) delegate to Federal Council and that the balance of delegates be elected by members of the Queensland Division.

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 2013.

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 (eight (8)) 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.

It is acknowledged that this application seeks dates outside of the prescribed date.

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

I would propose the following dates:

Nominations Open	25 November 2013
Nominations Close	17 December 2013
Poll Opens	28 January 2014
Poll Closes	18 February 2014

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(a) provides for a direct voting system of all financial members of the Branch.

Yours faithfully

A handwritten signature in black ink, appearing to read 'T. Burke', written in a cursive style.

**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

6 November 2013

Registered office

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SPRING HILL QLD 4000

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Telephone (07) 3839 7020
Facsimile (07) 3839 7021
Freecall 1800 177 937 QLD
Freecall 1800 351 996 NT
Adm7616tb
8/14/9

Thursday, 24 October 2013

Mr Mark Elliott
Team Leader
Fair Work Commission
GPO Box 1994
MELBOURNE VIC 3001

Dear Mark

By Email: orgs@fwc.gov.au

**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)

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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.

It is a requirement under Federal Rule 17(h) that the election shall conclude no later than 31 October 2013. It is acknowledged that this application seeks dates outside of this date.

In setting dates for the election process I would advise that the Union journal goes to print on 31 October; however we can communicate directly with all members and do not rely only on printed publications.

I would propose the following dates:

Nominations Open	11 November 2013
Nominations Close	3 December 2013
Poll Opens	20 January 2014
Poll Closes	11 February 2014

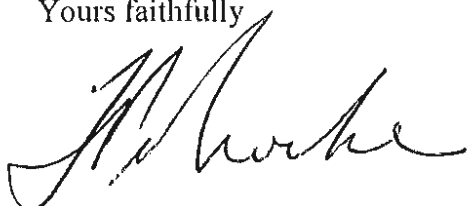
Re Fair Work (Registered Organisations) Regulations 2009 – subsection 138(1)(f)

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

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

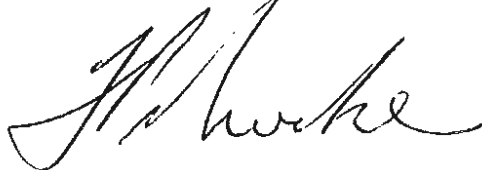
Yours faithfully



**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 October 2013