



DECISION

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

Independent Education Union of Australia (E2013/255)

MR ENRIGHT

MELBOURNE, 28 AUGUST 2013

Arrangement for conduct of election.

[1] On 20 August 2013 the Independent Education Union of Australia - Tasmanian Independent Schools Teachers Association lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Branch President
Branch Deputy President
Branch Secretary
Branch Executive Members (2)
Branch Delegate to Federal Council

[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 20 August 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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INDEPENDENT EDUCATION UNION OF AUSTRALIA

Tasmanian Independent Schools Teachers Association Branch

PO Box 235
Sandy Bay
Tasmania 7006

I, Lynette Maree Tunbridge, being the Secretary of the Tasmanian Independent Schools Teachers Association Branch of the Independent Education Union of Australia, make the following statement:

I am the Secretary of the Tasmanian Independent Schools Teachers Association Branch of the Independent Education Union of Australia.

I am authorised to lodge the following prescribed information concerning forthcoming elections in the Tasmanian Independent Schools Teachers Association Branch of the Independent Education Union of Australia, and

I confirm that the following information is being lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009*.

I am conscious that this request does not meet the requirement for lodgement at least 2 months before the first day of nomination, and we ask that you allow a variation.

Regrettably this 'late' request arises due to lack of familiarity with all the requirements, and our process and considerations were largely based on past practice.

The schedule of dates below has been derived by reference to the Rules, which at Rule 17, prescribe various requirements and timelines.

Clearly the timetable below is incapable of adoption, but it is put forward, based upon the rules.

This Branch has no full time staff, and all officers are full time teachers. The Executive have met and based decisions on the rules and past practice as mentioned, noting that the request in 2010, was made on August 23rd of that year.

One serious consideration we have immediately, is when we should/can provide notification, bearing in mind that "the books close" seven days before nominations open, and there has been no date set for that event, other than that set out below.

Can we issue a notification 'immediately' and advise that nominations are open, or is it the role of the Returning Officer to determine when nominations open?

Once this date is fixed, I believe everything then falls into place, subject to your directions.

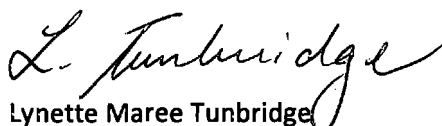
To expedite what must now be done, I respectfully request that, if it is proper to do so, you notify and or contact our IR advisor {a Contractor – not staff or officer} on this matter, as he is better positioned to deal with developments than any of the elected officials, who are all involved with teaching duties.

His contact details are:

Rick Mecklenburgh
03 6248 6458
0418 121 893
forkandles@bigpond.com

The Branch is not large (350 members) and all members are readily available by email so communications are not a complex issue, and whilst it is not relevant, it can be noted that there have never been enough nominations received in the past, to require a ballot.

I regret that we need to make this application, and hope you can review it favourably. Any advice and direction will be very welcome.


Lynette Maree Tunbridge
19th August 2013

Address for service
ltunbrid@friends.tas.edu.au

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Offices/Positions [DVS]

Branch President
Branch Deputy President
Branch Secretary
Branch Executive Member (2)
Branch Delegate to Federal Council (1)

Reasons for election:

Election for all offices and positions is required by October 31st, as the terms of office are due to expire in the normal course of events under the rules of the organisation [*Federal Rule 17*]

Elected by:

The electorate is the entire membership of the Branch.

Nominations open:

August 23rd [17h]

Nominations close:

September 13th

Cut off date for roll:

August 16th