

Independent Education Union of Australia Scheduled Election WA Branch 2010

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2010/2525

WA Branch

President

Candidate

MAGUIRE, Ken

Vice President

Candidate

SWAIN, Marianne

Secretary

Candidate

HOWE, Theresa

Ordinary Executive Member (8)

Candidates

BINGHAM, Victoria
BRIGGS, Nigel Andrew
FRASER, Nigel Stewart
FROST, Brenda Jean
MURRAY, Deline Mary
RAHALEY, Lucy Kathleen
THOMAS, Robert H
WILLIAMS, Carolyn

Federal Council Delegate (3)

Candidates

BRIGGS, Nigel Andrew
HOWE, Theresa
MAGUIRE, Ken

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

Paul Davison
Returning Officer

5 May 2010

Post Election Report For:

Election E No 2010/2525

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 of the Fair Work (Register Organisation) Act 2009 requires the AEC to provide a written report on the conduct of the election to the Industrial Registrar and to the organisation or branch for whom the election was conducted. 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 (RAO) Regulations requires an organisation 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.

Paul Davison
Returning Officer

POST ELECTION REPORT

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s:2010/2525

RULES

Rules used for the election: 130N: Incorporates alterations of
24/2/2010 [R2010/9] (*replaces*
16/4/2009 version)

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

ROLL OF VOTERS

The roll of voters was requested by the Returning Officer and prepared by the Independent Education Union of Australia, WA Branch and held by them. As there were no contested offices, the roll of voters was not utilised.

IRREGULARITIES

Details of written allegations of irregularities, and action taken by AEC: NIL

Other irregularities identified, and action taken: NIL

ATTACHMENTS

Declaration of Results for Uncontested Offices

Paul Davison
Returning Officer



FAIR WORK
AUSTRALIA

DECISION

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

Independent Education Union of Australia-Western Australian Branch
(E2010/2525)

T. NASSIOS

MELBOURNE, 4 MARCH 2010

Arrangement for conduct of election.

[1] On 19 February 2010 the Independent Education Union of Australia -Western Australian Branch lodged with Fair Work Australia the prescribed information, and further information on 4 March 2010, in relation to an election for the following offices:

Branch President
Branch Vice-President
Branch Secretary
Branch Ordinary Executive Members (8)
Branch Delegates to Federal Council (3)

[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 GENERAL MANAGER
FAIR WORK AUSTRALIA

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The General Manager
Fair Work Australia – WA Office
GPO Box X2206
PERTH WA 6001

Dear Sir/Madam,

Re: Notification of Election

I, Theresa Isobel Howe, being the Secretary of the Independent Education Union of Australia WA Branch make the following statement:

I am the Secretary of the Independent Education Union of Australia WA Branch.

I am authorised to lodge the following prescribed information concerning forthcoming elections in the WA 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

Signed:

Name: Theresa Isobel Howe

Dated: 18th February 2010

Offices/Positions

- Branch President (Preferential System)
- Branch Vice-President (1) (Preferential System)
- Branch Secretary (Preferential System)
- Branch Ordinary Executive Members (8) (Preferential System)
- Branch Delegates to Federal Council (3) (Preferential System)

Reasons for Election:

- Election for offices is required as the terms of office are due to expire in the normal course of events under the rules of the organisation.

Elected by:

- The electorate for the Preferential System is the whole of the Branch.

Nominations Open:

- Saturday, 24th April 2010.

Note: A Member shall be eligible for election as a Member of the Branch Executive if:

- *The member is financial at the date of closing of nominations; and*
- *The member has been a financial member for a period of twelve months.*

Nominations Close:

- Saturday, 15th May 2010, *(i.e. 21 days after the publication of the first advertisement.)*

Cut off Date for Roll:

- Saturday, 17th April 2010, *(i.e. 7 days prior to the opening date for nominations.)*



FAIR WORK
AUSTRALIA

24 February 2010

Ms Gail Latham
Administration Manager
Independent Education Union of Australia, WA Branch
PO Box 8444
Perth Business Centre WA 6849

By email: admin_mgr@ieuwa.asn.au

Dear Ms Latham

Re Prescribed Information for the scheduled elections for the Independent Education Union of Australia WA Branch Executive and Branch Delegates to Federal Council (E2010/2525)

I acknowledge receipt of the Prescribed Information (PI) of the WA Branch of the Independent Education Union of Australia for the scheduled elections for the Branch Executive and Branch Delegates to Federal Council. The PI was lodged with Fair Work Australia on 19 February 2010.

As discussed further information, as set out below, is required.

1. The number of Branch delegates to federal council

Rule 8(c) of the federal rules set out a table for determining the number delegates to federal council to which a Branch is entitled. The number of delegates is dependent on the number of members as at 31 December in the year preceding the election. Please advise in writing the number of members of the WA branch as at 31 December 2009.

2. The date and time of the beginning and end of the period in which nominations of candidates will be called and the day on which the roll of voters is to be closed.

The PI lodged on 19 February 2010 sets out specific dates for the opening and closing of nominations and the date for the close of the roll of voters. Please confirm whether this schedule is as determined by the Branch Executive in accordance with rule 17(h) of the federal rules.

Also please be advised that in future years the PI should specify whether the voting system is a direct voting system or a collegiate electoral system (see regulation 138(g) of [Fair Work \(Registered Organisations\) Regulations 2009](#)). The PI states that the voting system is a preferential system which, although true, does not satisfy the requirements of regulation 138(g). Rule 17(a) of the federal rules and rule 6.3 of the Branch rules suggest that the voting system is direct and this is what should be stated in the PI.

If you have any queries I can be contacted on 03 8661 7929 or by return email on eve.anderson@fwa.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Eve Anderson', followed by a long horizontal flourish.

Eve Anderson
Tribunal Services and Organisations
Fair Work Australia
Tel: 03 86617929
Email: eve.anderson@fwa.gov.au

Ms Eve Anderson
Tribunal Services and Organisations
Fair Work Australia
GPO Box 1994
MELBOURNE VIC 3002

Dear Ms Anderson,

Re: Prescribed Information for the Scheduled Elections for the Independent Education Union of Australia WA Branch Executive and Branch Delegates to Federal Council (E2010/2525)

Further to your telephone discussions with Gail Latham (Administration Manager) and your letter of 24th February 2010:

1. The Number of Branch Delegates to Federal Council

The number of Members of the Independent Education Union of Australia WA Branch as at 31st December 2009 was 3843.

2. The date and time of the beginning and end of the period in which nominations of candidates will be called and the day on which the roll of voters is to be closed.

In accordance with rule 17 (h) of the Federal Rules, the Branch Executive has confirmed by Circular Resolution of 3rd March 2010 the following schedule for the Election:

- Nominations shall open on Saturday, 10th April 2010;
- Nominations shall close on Saturday, 1st May 2010; ;and
- The cut-off date for the Roll shall be Saturday, 3rd April 2010.

Thank you also for clarifying the nature of the voting system.

Yours sincerely,



**Theresa Howe
Secretary**

4th March 2010

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