

**From:** [Simon Bulloch](#)  
**To:** [MOUTEVELIS, Michael](#)  
**Subject:** FW: Election Decision No/s: E2016/128 [DLM=For-Official-Use-Only]  
**Date:** Tuesday, 23 August 2016 1:19:18 PM  
**Attachments:** [image001.gif](#),  
[image002.gif](#)

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For-Official-Use-Only

Michael,

Please refer to the email below.

Regards,

**Simon Bulloch | Manager**  
Election Services | WA State Office  
Australian Electoral Commission  
T: (08) 6363 8011 | M: 0413 006 210 | F: (08) 6363 8052

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For-Official-Use-Only

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**From:** Chris Watt [mailto:[chris@ieu.asn.au](mailto:chris@ieu.asn.au)]  
**Sent:** Monday, 22 August 2016 8:40 AM  
**To:** [Michael.moutevelis@aec.gov.au](mailto:Michael.moutevelis@aec.gov.au)  
**Cc:** Simon Bulloch <[Simon.Bulloch@aec.gov.au](mailto:Simon.Bulloch@aec.gov.au)>; [jennifer.raeburn@fwc.gov.au](mailto:jennifer.raeburn@fwc.gov.au)  
**Subject:** Election Decision No/s: E2016/128

Michael

I write in response to your letter to Ms Angela Briant, General Secretary of our IEUA WA Branch (your letter dated 12 August 2016).

I note in your letter that you raise issues significantly broader than the Rules governing the conduct of elections in our WA Branch. Indeed your letter raises concerns about difficulty to interpret:

- rule 17 of the National Rules;
- rule 10 of the Queensland and Northern Territory Branch Rules;
- rule 11 of the Victoria Tasmania Branch Rules;
- rule 7 of WA Branch Rules;
- rule 9 of the SA Branch Rules; and
- rule 8 of the NSW/ACT Branch Rules

As the Branch can only deal with Rules pertaining to their particular arrangements, the logical and sensible place to raise your broader concerns is with the Federal office. As Federal Secretary I am now dealing with the issues raised in your letter, in totality.

Accordingly, thank you for your advice. The Federal Executive of the IEUA will consider your correspondence at its next meeting in September and give due consideration to your recommendations.

Subsequently I will advise of any action that the Federal Executive determines to make.

Yours sincerely

**Chris Watt**

Federal Secretary

**Independent Education Union of Australia**

Unit 10, 40 Brisbane Ave

Barton ACT 2600

Tel: 02 6273 3107 Fax: 02 6273 3710

Email: [cwatt@ieu.org.au](mailto:cwatt@ieu.org.au)

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Regards,

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Election Services | WA State Office  
Australian Electoral Commission  
T: (08) 6363 8011 | M: 0413 006 210 | F: (08) 6363 8052

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**From:** Chris Watt [mailto:[chris@ieu.asn.au](mailto:chris@ieu.asn.au)]  
**Sent:** Monday, 22 August 2016 8:40 AM  
**To:** [Michael.moutevelis@aec.gov.au](mailto:Michael.moutevelis@aec.gov.au)  
**Cc:** Simon Bulloch <[Simon.Bulloch@aec.gov.au](mailto:Simon.Bulloch@aec.gov.au)>; [jennifer.raeburn@fwc.gov.au](mailto:jennifer.raeburn@fwc.gov.au)  
**Subject:** Election Decision No/s: E2016/128

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Subsequently I will advise of any action that the Federal Executive determines to make.

Yours sincerely

**Chris Watt**

Federal Secretary

**Independent Education Union of Australia**

Unit 10, 40 Brisbane Ave

Barton ACT 2600

Tel: 02 6273 3107 Fax: 02 6273 3710

Email: [cwatt@ieu.org.au](mailto:cwatt@ieu.org.au)

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**From:** [Angela Briant](#)  
**To:** [Simon Bulloch](#)  
**Cc:** [Orgs: Industrial Elections](#)  
**Subject:** Re: E2016/128 IEUA WA Branch Post Election Report [DLM=For-Official-Use-Only]  
**Date:** Friday, 19 August 2016 1:41:07 PM  
**Attachments:** [image001.gif](#)  
[image002.gif](#)

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Dear Simon,

Thank you for the details you have provided in your covering email and the Post Election Report.

I will confer with the appropriate officers within the organisation and ensure a written response is provided to the AEC at [industrial.elections@aec.gov.au](mailto:industrial.elections@aec.gov.au) within 30 days of 12 August.

For your information I have today arranged that members via a notice on the IEUA WA branch website will be advised that a copy of the Post Election Report is available upon request.

Regards  
Angela

Sent from my iPhone

On 12 Aug 2016, at 07:40, Simon Bulloch <[Simon.Bulloch@aec.gov.au](mailto:Simon.Bulloch@aec.gov.au)> wrote:

For-Official-Use-Only

Angela,

I refer to the above election for your organisation.

Section 197(1) of the *Fair Work (Registered Organisations) Act 2009* ("the Act") requires the AEC to provide a written report on the conduct of the election to the Fair Work Commission 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 the Act 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](mailto: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) Regulations 2009* requires an organisation or branch to publish a notice on its website 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.

Regards,

**Simon Bulloch | Manager**

Election Services | WA State Office

Australian Electoral Commission

T: (08) 6363 8011 | M: 0413 006 210 | F: (08) 6363 8052

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<!--[if !vml]--><!--[endif]-->

<!--[if !vml]--><!--[endif]-->

## For-Official-Use-Only

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19 August 2016

Ms Angela Briant  
Branch Secretary  
Independent Education Union of Australia-Western Australian Branch  
industrial@ieuwa.asn.au



CC:  
Mr Chris Watt  
Federal Secretary  
Independent Education Union of Australia  
ieu@ieu.org.au

Dear Ms Briant

### **Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election [E2016/128] for the Western Australian Branch. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

#### **A notice must be published on the organisation's website**

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the *Fair Work (Registered organisations) Regulations 2009*).

#### **Holders of office required to undertake approved training**

Section 154D(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act) requires the rules of organisations (and branches of organisations) to require each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe.

Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which should be provided for in your organisation's rules.

#### **Organisation must notify the Commission of changes**

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Independent Education Union of Australia-Western Australian Branch must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
  - the name of the office vacated;
  - the date of the change of office holder; and
  - the name of the person vacating the office.
  
2. Person(s) who have commenced to hold office:
  - the name of the office now held;
  - the date of the change of office holder;
  - the name of the person now holding the office;
  - the postal address of the person (generally the postal address of the organisation); and
  - the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. I have attached a template notification of changes which may assist you. If any change does not apply until a specific date, you don't need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

Jennifer Raeburn  
Regulatory Compliance Branch



**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return)  
required to be kept in accordance with section 230 *Fair Work (Registered Organisations)  
Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009***

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  1. [include OLD name and address and NEW name and address of every branch that has changed]
  2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:<sup>3</sup>
  - COMMENCED/CEASED operation:
    1. [include name of each new branch]
    2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

**[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to.]**

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<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> s.230(1)(d); reg.147(b) & (c)

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

*Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.*

<b>Branch</b>	<b>Date of Change</b>	<b>Name of Office that has changed</b>	<b>Name of <u>Outgoing</u> Office Holder</b>	<b>Reason for change</b>	<b>Name of <u>New</u> Office Holder</b>	<b>Postal Address of <u>New</u> Office Holder (for privacy reasons, we recommend NOT a private address)</b>	<b>Occupation of <u>New</u> Office Holder</b>
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Retiring</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
...							
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Resignation</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
...							



19 August 2016

Ms Angela Briant  
Branch Secretary  
Independent Education Union of Australia-Western Australian Branch  
industrial@ieuwa.asn.au

CC:  
Mr Chris Watt  
Federal Secretary  
Independent Education Union of Australia  
ieu@ieu.org.au

Dear Ms Howe

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2016/128**

On 12 August 2016 the Fair Work Commission (the Commission) received a post election report from the Australian Electoral Commission (AEC) for election E2016/128 dated 1 August 2016. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular rules 17, 10, 11, 7, 9 & 8. This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

**A notice must be published on the organisation's website**

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regs 141(4) and (5)).

**A written response must be provided to the AEC**

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

**Extract of report must be made available to members**

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

**Written response must be made available to members**

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and
- within 30 days of giving the response to the AEC:
  - lodges with the Commission a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
  - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

### **Penalties may apply**

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the Commission for assistance by email to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

### **If the organisation or branch decides to alter its rules in response to the AEC's report**

If the organisation or branch decides to alter its rules in response to the AEC's report, the Regulatory Compliance Branch of the Commission is able to provide advice and assistance regarding draft alterations, as well as about the processes required to make the alterations. We encourage the organisation or branch to forward drafts of proposed alterations to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

Yours sincerely

Jennifer Raeburn

Regulatory Compliance Branch

Fair Work (Registered Organisations) Act 2009

**POST ELECTION REPORT**

**Client:** Independent Education Union of Australia Western Australian Branch  
**Contact details:** Angela Briant

**Email:** [Abriant@ieuwa.asn.au](mailto:Abriant@ieuwa.asn.au)  
**Tel:** 08 9373 1001

**FWA contact officer:** Michael Moutevelis

**Email:** [Michael.moutevelis@aec.gov.au](mailto:Michael.moutevelis@aec.gov.au)  
**Tel:** Not Provided

**ELECTION/S COVERED IN THIS REPORT**

Election Decision No/s: E2016/128

**RULES**

Rules used for the election: 130N: Incorporates alterations of 11/12/2015  
[R2015/215] (replaces rulebook dated 7/12/2015  
[R2015/238])

Model Rule reference (if any): N/A

Rules difficult to apply/interpret:

- rule 17 of the National Rules;
- rule 10 of the Queensland and Northern Territory Branch Rules;
- rule 11 of the Victoria Tasmania Branch Rules;
- rule 7 of WA Branch Rules;
- rule 9 of the SA Branch Rules; and
- rule 8 of the NSW/ACT Branch Rules

as rules of the organisation or branch that, in the AEC's opinion, were difficult to interpret or apply in relation to the conduct of the election and suggest as a model rule the insertion of the following definition to apply to the organisation and its branches:

*"Branch Returning Officer" means either:*

- (a) the person appointed by the Australian Electoral Commission to conduct an election under these rules; or*
- (b) where the Branch has obtained an exemption pursuant to section 183 of the Fair Work (Registered Organisations) Act 2009:*
  - (i) the person appointed by the Branch Executive to conduct an election under these rules; or*
  - (ii) in the case of a casual vacancy, the member of the Branch Executive chosen to*

*conduct an election under the Rules including Branch Rules"; or*

- (c) *for all other elections that are not subject to the operation of the Fair Work (Registered Organisations) Act 2009, and where the Australian Electoral Commission has not been asked to conduct the election, the person appointed by the organisation or branch.*

By placing this definition in the national rules (as opposed to one of the Appendices containing individual branch rules), there will be consistency across the jurisdictions

## **ROLL OF VOTERS**

The roll of Voters was supplied by the organisation. As the election was not contested the roll was not used.

## **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



Simon Bulloch  
Returning Officer  
12 August 2016

# Independent Education Union of Australia WA Branch Election

## Declaration of Results for Uncontested Offices

E2016/128

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.

### WA Branch

#### Secretary

Candidates

BRIANT, Angela

#### President

Candidates

WALKER, Tony

#### Vice President

Candidates

SWAIN, Marianne

#### Ordinary Executive Member (8)

Candidates

FROST, Jean

MARTIN, Bruce

MILNE, Andrew

THOMAS, Robert Harry Hartley

WILLIAMS, Carolyn

No further nominations were accepted

#### Federal Council Delegate (3)

Candidates

BRIANT, Angela

WALKER, Tony

No further nomination was accepted

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



Simon Bulloch  
Returning Officer

1 August 2016



## DECISION

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

### **Independent Education Union of Australia** (E2016/128)

MR ENRIGHT

MELBOURNE, 12 MAY 2016

*Arrangement for conduct of election.*

[1] On 15 April 2016, the Western Australian Branch of the Independent Education Union of Australia lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Branch Secretary	(1)
Branch President	(1)
Branch Vice-President	(1)
Branch Ordinary Executive Member	(8)
Branch Delegate 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

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<Price code A, PR580148>



**svc-adlib5**

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**From:** Communications <Communications@ieuwa.asn.au>  
**Sent:** Friday, 15 April 2016 4:54 PM  
**To:** Orgs  
**Subject:** IEUWA Notification of Election  
**Attachments:** 2016-04-18 IEU Letter to FWC re IEUWA Elections.pdf

To Ms O'Neill,

Please find attached notification of election for the Independent Education Union WA Branch.

Yours faithfully,

**Michelle Barnes**  
**Communications Officer**  
IEU  
T: 08 9373 1000 F: 08 9277 2634  
[www.ieuwa.asn.au](http://www.ieuwa.asn.au)



The General Manager  
Fair Work Commission  
GPO Box 1994  
Melbourne Vic 3001

15 April 2016

By email: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

Dear Ms O'Neill,

**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, Angela Briant, being the Secretary of the Independent Education Union of Australia WA Branch, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Western Australian Branch of the Independent Education Union of Australia.
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. This statement **IS** lodged at least 2 months before nominations open for the election below.

Signed: 

Dated: 15 April 2016

STATEMENT OF PRESCRIBED INFORMATION – IEUWA 2016

## ANNEXURE A

- Elections that are required:

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
WA	<i>Branch Secretary</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All members of WA Branch (rule 17(a))</i>
WA	<i>Branch President</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All members of WA Branch (rule 17(a))</i>
WA	<i>Branch Vice-President</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All members of WA Branch (rule 17(a))</i>
WA	<i>Branch Ordinary Executive Members</i>	<i>8</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All members of WA Branch (rule 17 (a))</i>
WA	<i>Branch Delegate to Federal Council</i>	<i>3</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All members of WA Branch (rule 17(a))</i>

- Important dates:

	Direct Voting System
<b>Nominations OPEN</b>	<i>Monday 4<sup>th</sup> July (rule 17 (a) (h))</i>
<b>Nominations CLOSE</b>	<i>21 days after noms open (rule 17(h))</i>
<b>Roll of Voters cut off date</b>	<i>7 days prior to nominations opening (rule 17 (o)(q))</i>