

Australian Electoral Commission
Industrial.elections@aec.gov.au

27 July 2017

The AEC has provided a written report on the conduct of the recent elections of the IEUA WA Branch,
In accordance with Section 197 of the *Fair Work (Registered Organisations) Act 2009* a rule was identified that was difficult to interpret or apply.

Specifically this is rule 17 (g) of the National Rules.

The IEUA WA Branch response to that report is:

- In 2016, in response to the same issue being raised by the AEC following IEUA WA Branch elections the IEUA nationally passed a Resolution to change that rule
- The proposed rule change was submitted to the Fair Work Commission (*Registered Organisations*)
- The Fair Work Commission (*Registered Organisations*) declined to approve the rule change proposed
- The IEUA now proposes to deal with the issue of Rule 17 (g) by a change to the IEUA rules
- The IEUA will apply to the Fair Work Commission (Registered Organisations) for approval of that rule change
- National IEUA Secretary Chris Watt is available if any further information is required.
- As required the IEUA WA Branch will publish our response to the Post Election Report on our website.
The AEC Post Election report has already been posted on our website

Regards



Angela Briant
Secretary
IEUA WA Branch



10 July 2017

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

Cc: National office

Dear Ms Briant

Organisation must respond to the post-election report of the Australian Electoral Commission: E2016/291

On 23/6/2017 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2016/291 dated 23/6/2017. 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 rule 17 (g). 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
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- within 30 days of giving the response to the AEC:
 - lodges with the ROC 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 ROC for assistance by email to regorgs@roc.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 ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

Christine Hibberd

Registered Organisations Commission

23 June 2017

Post-election Report

**Independent Education Union of Australia
Western Australian Branch E2016/291**

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Election(s) Covered in this Report

Election Decision No/s: E2016/291

Rules

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

Rules difficult to apply/interpret:

- rule 17 (g) of the National Rules;

Any person wishing so to nominate shall apply either personally or in writing to the Branch Returning Officer for a nomination form; such forms shall be signed by the candidate and by two financial members and forwarded by registered post to the Branch Returning Officer or handed in personally at the Registered Office and a receipt thereupon obtained.

The AEC recommends that the above rule is amended to modernise the lodgement of nominations by also facilitating lodgement electronically and personally at the office of the Returning Officer to read:

Any person wishing so to nominate shall apply either personally or in writing to the Branch Returning Officer for a nomination form; such forms shall be signed by the candidate and by two financial members and forwarded to the Branch Returning Officer by a method and by a manner as determined by the Returning Officer.

Module Rule reference (if any) N/A

Roll of Voters

Total number of voters on the Roll: 4713

Number of apparent workplace addresses: Nil

Number of non-current addresses: 30

Other matters pertaining to the roll of voters: Nil

Irregularities

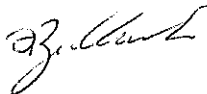
Details of written allegations of irregularities, Nil
and action taken by AEC:

Other irregularities identified, and action taken: Nil

Other Matters

Attachments

- 1) Declaration of results for Contested and Uncontested Offices – WA



Simon Bulloch
Returning Officer

23 June 2017

**Independent Education Union of Australia
WA Branch Vacancy Election**

Declaration of Results for Contested and Uncontested Offices

E2016/291

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

Total number of names on the roll of voters	4713
Ballot papers issued	4713
Replacement ballot papers issued	0
Total Ballot Papers Issued	4713
Ballot papers / envelopes returned for scrutiny	407
Less ballot papers / envelopes rejected at preliminary scrutiny	2
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	405
Percentage of ballot papers returned to number issued	8
Ballot papers returned as unclaimed mail	23
Ballot papers not returned	4283

Ordinary Executive Member (3)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
O'DEA, Newton	295	295
MURRAY, Delerine Mary	19	148
REEVES, Lucy	59	250
ENGLISH, Matthew Stephen	25	0
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	398	693
Formal ballot papers	398	398
Informal ballot papers	7	7


I declare Delerine Mary Murray, Newton O'Dea and Lucy Reeves elected.

Federal Council Delegate

Candidates

THOMAS, Robert H

I declare Robert H Thomas elected.


Simon Bulloch
Returning Officer
Australian Electoral Commission

23 June 2017



DECISION

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

Independent Education Union of Australia (E2016/291)

MR ENRIGHT

MELBOURNE, 10 FEBRUARY 2017

Arrangement for conduct of election.

[1] On 22 December 2016 and 8 February 2017 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, due to insufficient nominations received in a previous election (E2016/128):

Branch Ordinary Executive Members (3)
Branch Delegate to Federal Council

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

by email: Rebecca.LEE@fwc.gov.au

Dear Ms O'Neill,

**AMENDED 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 authorized to sign this statement containing prescribed information for the Western Australia 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 Annexure A.
4. The statement is lodged at least two months before nominations open for the election below.

Signed:

Dated: 7th February 2017

STATEMENT OF PRESCRIBED INFORMATION – IEUA WA Branch 2017

ANNEXURE A:

- Elections that are required

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
WA	<i>Branch Ordinary Executive Members</i>	3	DVS	<i>The office was not filled at the previous election</i>	<i>All financial members of WA Branch (Rule 17 (a))</i>
WA	<i>Branch Delegate to Federal Council</i>	1	DVS	<i>The office was not filled at the previous election</i>	<i>All financial members of WA Branch (Rule 17 (a))</i>

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	Direct Voting System
Nominations OPEN	<i>Thursday 20th April 2017 (rule 17 (a) (h))</i>
Nominations CLOSE	<i>21 days after nominations open (rule 17(h))</i>
Roll of Voters cut off date	<i>7 days prior to nominations opening (rule 17 (o) (q))</i>

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

By email: orgs@fwc.gov.au

Dear Ms O'Neill,

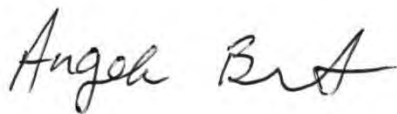
PRESCRIBED INFORMATION FOR ELECTIONS: In accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009.

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 the statement containing prescribed information for the Western Australia 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 two months before nominations open for the election below.

STATEMENT OF PRESCRIBED INFORMATION - IEUA WA BRANCH 2016

Signed:



Angela Briant
Secretary

22 December 2016

Elections That Are Required:

BRANCH	NAME OF OFFICE	NUMBER REQUIRED	VOTING SYSTEM	REASON FOR ELECTION
WA	Branch Ordinary	4	DVS	Vacancies on the Executive

IMPORTANT DATES	DIRECT VOTING SYSTEM
Nominations OPEN	Monday, 20th March (Rule 17 (a) (h))
Nominations CLOSE	21 days after Noms open (Rule 17 (h))
Roll of Voter Cut Off Date	7 days prior to nominations opening (Rule 17 (o)(q))