

25 June 2024

Post-election report

Independent Education Union of
Australia - NSW/ACT
Scheduled
E2024/34

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Election(s) Covered in Post-Election Report (PER)

Organisation:	Independent Education Union of Australia - NSW/ACT
Election Decision No:	E2024/34
Election:	Scheduled
Date ballot closed:	6 June 2024
Date results declared:	Uncontested 9 May 2024 Contested 6 June 2024
Date PER due:	5 July 2024

Relevant legal provisions

Fair Work (Registered Organisations) Act 2009 ('the Act')

197 Post-election report by AEC

Requirement for AEC to make report

- (1) After the completion of an election conducted under this Part by the AEC, the AEC must give a written report on the conduct of the election to:
 - (a) the General Manager; and
 - (b) the organisation or branch for whom the election was conducted.

Note: The AEC may be able, in the same report, to report on more than one election it has conducted for an organisation. However, regulations made under paragraph 359(2)(c) may impose requirements about the manner and timing of reports.

- (2) The report must include details of the prescribed matters.

Contents of report—register of members

- (3) If the AEC is of the opinion that the register of members, or the part of the register, made available to the AEC for the purposes of the election contained, at the time of the election:
 - (a) an unusually large proportion of members' addresses that were not current; or
 - (b) in the case of a register kept by an organisation of employees—an unusually large proportion of members' addresses that were workplace addresses;

this fact must be included in the report, together with a reference to any relevant model rules which, in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: Model rules are relevant only to the conduct of elections for office, not for elections for other positions (see section 147).

Contents of report—difficult rules

- (4) If the report identifies a rule of the organisation or branch that, in the AEC's opinion, was difficult to interpret or apply in relation to the conduct of the election, the report must also refer to any relevant model rules, which in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: For model rules, see section 147.

Subsection (3) relevant only for postal ballots

- (5) Subsection (3) applies only in relation to elections conducted by postal ballot.

Note: An organisation can obtain an exemption from the requirement to hold elections for office by postal ballot (see section 144).

190 Organisation or branch must not assist one candidate over another

An organisation or branch commits an offence if it uses, or allows to be used, its property or resources to help a candidate against another candidate in an election under this Part for an office or other position.

Penalty: 100 penalty units.

193 Provisions applicable to elections conducted by AEC

- (1) If an electoral official is conducting an election, or taking a step in relation to an election, for an office or other position in an organisation, or branch of an organisation, the electoral official:
 - (a) subject to paragraph (b), must comply with the rules of the organisation or branch; and
 - (b) may, in spite of anything in the rules of the organisation or branch, take such action, and give such directions, as the electoral official considers necessary:
 - (i) to ensure that no irregularities occur in or in relation to the election; or
 - (ii) to remedy any procedural defects that appear to the electoral official to exist in the rules; or
 - (iii) to ensure the security of ballot papers and envelopes that are for use, or used, in the election.
- (2) A person commits an offence if the person does not comply with a direction under subsection (1).

Penalty: 30 penalty units.
- (3) Subsection (2) does not apply so far as the person is not capable of complying.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).
- (4) Subsection (2) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subsection (4), see subsection 13.3(3) of the *Criminal Code*.
- (5) An offence against subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.
- (6) An election for an office or other position conducted by an electoral official, or step taken in relation to such an election, is not invalid merely because of a breach of the rules of the organisation or branch because of:
 - (a) action taken under subsection (1); or
 - (b) an act done in compliance with a direction under subsection (1).
- (7) If an electoral official conducting, or taking a step in connection with, an election for an office or other position:
 - (a) dies or becomes unable to complete the conduct of the election or the taking of the step; or
 - (b) ceases to be qualified to conduct the election or to take the step;the Electoral Commissioner must arrange for the completion of the conduct of the election, or the taking of the step, by another electoral official.

6 Definitions

irregularity, in relation to an election or ballot, includes:

- (a) a breach of the rules of an organisation or branch of an organisation; and
- (b) an act or omission by means of which:
 - (i) the full and free recording of votes by all persons entitled to record votes and by no other persons; or
 - (ii) a correct ascertainment or declaration of the results of the voting; is, or is attempted to be, prevented or hindered; and
- (c) a contravention of section 190.

Fair Work (Registered Organisations) Regulations 2009 ('the Regulations')

140 Declaration of result of election (s 193)

- (1) Within 14 days after the closing day of an election, the AEC must issue a declaration stating the following:
 - (a) the total number of persons on the roll of voters;
 - (b) the total number of ballot papers issued (if applicable);
 - (c) the total number of envelopes that were returned undelivered by the closing day of the ballot to the AEC (if applicable);
 - (d) the total number of ballot papers received by the electoral official by the closing day of the ballot (if applicable);
 - (e) the result of the election;
 - (f) the total number of informal ballot papers (if applicable).
- (2) In subregulation (1), **closing day**, for an election, means:
 - (a) if a ballot is not required—the day on which nominations for the election close; or
 - (b) if a ballot is required—the closing day of the ballot.
- (3) Immediately after issuing a declaration under subregulation (1), the AEC must give a copy of the declaration to:
 - (a) the General Manager; and
 - (b) the organisation or branch for whom the election was conducted.

141 Post-election report by AEC (s 197(2))

- (1) For subsection 197(2) of the Act, the following matters are prescribed for inclusion in the report (the **post-election report**) given under subsection 197(1) of the Act:
 - (a) the declaration mentioned in regulation 140;
 - (b) any rules of the organisation or branch which because of ambiguity or other reason, were difficult to interpret or apply;
 - (c) any matters in relation to the roll of voters including those matters contained in subsection 197(3) of the Act;
 - (d) the number of written allegations (if any) of irregularities made to the AEC during the election;
 - (e) action taken by the AEC in relation to those allegations;
 - (f) any other irregularities identified by the AEC and action taken by the AEC in relation to those other irregularities.
- (2) The AEC must:
 - (a) give the post-election report within 30 days after the closing day of the election; and
 - (b) publish a notice on its web site advising that a copy of the post-election report can be obtained from the AEC on the request of a member who was eligible to vote in the election.
- (3) The AEC must supply a copy of the post-election report to the member as soon as practicable, but no later than 7 days, after receiving a request under paragraph (2)(b).

145 Elections conducted by AEC—no unauthorised action

- (1) For any election conducted by the AEC under Part 2 of Chapter 7 of the Act, a person other than the person conducting the election must not do, or purport to do, any act in the conduct of the election other than as directed or authorised by the person conducting the election.

Note: This subregulation is a civil penalty provision (see regulation 168).
- (2) The AEC must advise the General Manager of a possible contravention of subregulation (1) not later than 21 days after the AEC has become aware of the possible contravention.

Declaration of result of election

In accordance with reg 140 of the Regulations, the AEC issued a uncontested declaration of results on 9 May 2024 and declaration of contested results on 6 June 2024. For a copy, see **Attachment A and B**

Independent Education Union of Australia - NSW/ACT Rules

Independent Education Union of Australia (IEUA) - NSW/ACT Rules used for the election: Election Rules - 130N: Incorporates alterations of 30 January 2024 [R2023/118]

The matter in which I have exercised the authority given to me by s.193 of the Act is outlined below:

The Organisation's rules do not allow enough time for the ballot period. Federal Rule 17 (r) states that the closing time and date shall be noon on the 22nd day after the opening date of the ballot. Practical considerations require the AEC to open a postal ballot on a weekday and to it open for at least twenty-eight (28) days. This is the minimum reasonable time for the delivery of the mail and for electors to complete and return their ballot papers.

Roll of Voters

There were no known issues in relation to the roll of voters for this election.

Written allegations of any irregularities

There were no written allegations were recorded for this election.

Other irregularities

There were no other irregularities recorded or reported for this election.

Signed

Jacqueline McHenry
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 03 9285 7111
25 June 2024

Attachments

A. Declaration of Results for Uncontested Offices

B. Declaration of Results for Contested Offices

Independent Education Union of Australia

New South Wales/Australian Capital Territory Branch

DECLARATION OF RESULTS - E2024/34

Uncontested Offices

Scheduled Election

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 are:

Central Coast Sub-Branch

Sub Branch Delegate to Council (6)

Candidates

HALL Ann

HEFFERNAN John

TERRY David

WARDEN Kim-Maree

Central Metropolitan Sub-Branch

Sub Branch Delegate to Council (6)

Candidates

BONFIGLIO Angela

MCHUGH Peter

ZHANG Dylan Yujian

Central West Sub-Branch

Sub Branch Delegate to Council (6)

Candidates

ANDRISKE Karen

BENNETT Cassie

HUGHES Louise

STEWART Julian

Cumberland Sub-Branch

Sub Branch Delegate to Council (6)

Candidates

No Nominations Received

Ku-Ring-Gai Sub-Branch

Sub Branch Delegate to Council (6)

Candidates

FOWLES Grace

Lansdowne Sub-Branch

Sub Branch Delegate to Council (6)

Candidates

ELALI Mohamad

HAWTHORNE Bernadette

KOZAK Janina

Metropolitan East Sub-Branch

Sub Branch Delegate to Council (6)

Candidates

ARMSTRONG Louise

Mid North Coast Sub-Branch

Sub Branch Delegate to Council (6)

Candidates

BANCROFT Tracy

MCKECHNIE Vickye

MUNOKOA Ngahine

POLLOCK Will

Monaro Sub-Branch

Sub Branch Delegate to Council (6)

Candidates

BETTS Jacob

CATON David

LEET Anne Louise

LEFEBVRE Dianne

MACDONALD Kate

THOMPSON Alexander

North Coast Sub-Branch

Sub Branch Delegate to Council (6)

Candidates

ALLEN Jenny

EGAN Kath

HOWARD Mary

NAMRELL Michael

SMITH Simon

North West Sub-Branch

Sub Branch Delegate to Council (5)

Candidates

CLYNCH Katherine

HUGHES Laura

O'NEILL Fiona

Northern Beaches Sub-Branch

Sub Branch Delegate to Council (5)

Candidates

No Nominations Received

Northern Suburbs Sub-Branch

Sub Branch Delegate to Council (6)

Candidates

No Nominations Received

Penrith / Blue Mountains Sub-Branch

Sub Branch Delegate to Council (6)

Candidates

BEECHEY Debra

MADDOCK Natalie

Principals Sub-Branch

Sub Branch Delegate to Council (4)

Candidates

CRAWFORD David

JOHNS David

O'NEILL Noeleen

WEIR Anthony

South Coast Sub-Branch

Sub Branch Delegate to Council (6)

Candidates

CIMINO Marco

COLLINS Carolyn

D'SOUZA Katherine

JANCETIC Shirley

South East Sub-Branch

Sub Branch Delegate to Council (5)

Candidates

CHALLEN Leonne

FINDLAY Margaret

FRASER Simon

RYAN Terrienne

SWADLING Linda

Southern Suburbs Sub-Branch

Sub Branch Delegate to Council (6)

Candidates

No Nominations Received

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

Ray Rivera
Assistant Returning Officer
Telephone: 03 9285 7111
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09/05/2024



Independent Education Union of Australia
New South Wales/Australian Capital Territory Branch
DECLARATION OF RESULTS - E2024/34
Contested Offices

Scheduled Election

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 are:

Hunter Valley Sub-Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	2,859
Number of voters issued with voting material	2,859
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	2,859
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	242
Number of declaration envelopes rejected at preliminary scrutiny (minus)	5
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	237
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	16
Voting material packs not returned by voters by closing date of the ballot	2,601
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	8 %

Sub Branch Delegate to Council (6)

<u>Candidates</u>	<u>Final Votes</u>
DUNCAN, Craig	199
COOPER, Vincent	151
JONES, Amy	215
EASTON, Katrina	223
WILSON, Mark	206
WARREN, Riley	169
NEWMAN, Steven	217
Total ballot papers admitted for this office	237
Formal Ballot papers	230
Informal Ballot papers	7

I declare the following elected:

	Order Elected
• EASTON, Katrina	1
• NEWMAN, Steven	2
• JONES, Amy	3
• WILSON, Mark	4
• DUNCAN, Craig	5
• WARREN, Riley	6

Riverina Sub-Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	1,139
Number of voters issued with voting material	1,139
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	1,139
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	147
Number of declaration envelopes rejected at preliminary scrutiny (minus)	2
Number of ballot papers returned outside declaration envelopes (minus)	1
COUNT	
Total ballot papers admitted to the count	144
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	6
Voting material packs not returned by voters by closing date of the ballot	986
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	13 %

Sub Branch Delegate to Council (6)

<u>Candidates</u>	<u>Final Votes</u>
GOSS, Mercedes	123
GEDDES, Vanessa	107
SCOTT, Terri-Anne	113
RYALL, Narelle	101
JENNINGS, Sharon	102
MASON, Lindy	88
GOSS, Simon	99
WOODHOUSE, Kel	119
Total ballot papers admitted for this office	144
Formal Ballot papers	142
Informal Ballot papers	2

I declare the following elected:

- GOSS, Mercedes
- WOODHOUSE, Kel
- SCOTT, Terri-Anne
- GEDDES, Vanessa
- JENNINGS, Sharon
- RYALL, Narelle

Order Elected

- 1
- 2
- 3
- 4
- 5
- 6

Jackie McHenry
Returning Officer
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06/06/2024

