

4 October 2024

# Post-election report

**Independent Education Union of  
Australia**

New South Wales/Australian Capital  
Territory Branch

Insufficient Nominations election  
E2024/104

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

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**Organisation:** Independent Education Union of Australia

**Branch:** New South Wales/Australian Capital Territory

**Election Decision No:** E2024/104

**Election:** Insufficient Nominations

*(If uncontested)* **Date the nominations closed:** 08/07/2024.

**Date ballot closed:** 02/09/2024.

**Date Uncontested results declared:** 16/07/2024.

**Date Contested results declared:** 03/09/2024.

**Date PER due:** 04/10/2024.

## Relevant legal provisions

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*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

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In accordance with reg 140 of the Regulations, the AEC issued a declaration of the result of election E2024/104 on 16/07/2024 for the uncontested offices and on 03/09/2024 for the contested offices. For a copy, see **Attachment A (uncontested)** and **Attachment B (contested)**.

## Independent Education Union of Australia Rules

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Independent Education Union of Australia Rules used for the election:

- [130N Incorporates alterations of 30 January 2024 [R2023118]]

Returning Officer actions required (Section 193): Yes

**Details:** 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. For this reason, I have timetabled the election to allow 28 days for the postal ballot.

## Roll of Voters

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

## Written allegations of any irregularities

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There were no written allegations were recorded for this election.

## Other irregularities

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

## Signed

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Shehan Liyanage  
Returning Officer  
Australian Electoral Commission

E: [IEBevents@aec.gov.au](mailto:IEBevents@aec.gov.au)

P: 03 9285 7111

4 October 2024

## Attachments

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A. Declaration of Results for uncontested Offices

B. Declaration of Results for contested Offices



## Attachment A

# Independent Education Union of Australia New South Wales/Australian Capital Territory Branch DECLARATION OF RESULTS - E2024/104 Uncontested Offices

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### Insufficient Nominations 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 (2)

###### Candidates

*No Nominations Received*

#### Central Metropolitan Sub-Branch

##### Sub Branch Delegate to Council (3)

###### Candidates

DOWNS Anthony Leon

GIBBINS Anthony Michael

MELLA Michelle

#### Cumberland Sub-Branch

##### Sub Branch Delegate to Council (6)

###### Candidates

GOLDFINCH William

PALUZZANO Robert

PALUZZANO Karyn Lesley

#### Ku-Ring-Gai Sub-Branch

##### Sub Branch Delegate to Council (5)

###### Candidates

SMITH Courtney

#### Metropolitan East Sub-Branch

##### Sub Branch Delegate to Council (5)

###### Candidates

MUSCAT Jennifer

OSBORNE Gary

#### Mid North Coast Sub-Branch

##### Sub Branch Delegate to Council (2)

###### Candidates

RENNES William

ROBINSON Leon Terry

## **North Coast Sub-Branch**

### **Sub Branch Delegate to Council (1)**

Candidates

PEARSON James Antrum

## **Northern Beaches Sub-Branch**

### **Sub Branch Delegate to Council (5)**

Candidates

BARRELL Sukli

## **Northern Suburbs Sub-Branch**

### **Sub Branch Delegate to Council (6)**

Candidates

FRAIN Sandra

## **Penrith / Blue Mountains Sub-Branch**

### **Sub Branch Delegate to Council (4)**

Candidates

EL-HUSSEINI Amr

SHEEHY Raquel

THOMAS Anil Maliyekkal

## **Southern Suburbs Sub-Branch**

### **Sub Branch Delegate to Council (6)**

Candidates

JONES Stuart Alan

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

Jacqueline McHenry  
Returning Officer  
Telephone: 03 9285 7111  
Email: IEEvents@aec.gov.au  
16/07/2024



## Attachment B

# Independent Education Union of Australia New South Wales/Australian Capital Territory Branch DECLARATION OF RESULTS - E2024/104 Contested Offices

### Insufficient Nominations 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 West Sub-Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	1,238
Number of voters issued with voting material	1,238
Total number of voters issued with replacement voting material	0
<b>Total number of voting material packs issued</b>	<b>1,238</b>
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	100
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	100
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	7
Voting material packs not returned by voters by closing date of the ballot	1,131
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 (2)

<u>Candidates</u>	<u>Final Votes</u>
HAYWARD, Geoff	60
MILGATE, Maureen	65*
NUNN, Peter	65*

<b>Total ballot papers admitted for this office</b>	<b>100</b>
Formal Ballot papers	95
Informal Ballot papers	5

\* As per IEUA Rule 17 (x) the order elected was determined by casting lots.

I declare the following elected:	Order Elected
• NUNN, Peter	1
• MILGATE, Maureen	2

### Lansdowne Sub-Branch

<b>VOTING MATERIAL ISSUED</b>	
Total number of people on the roll of voters (a)	2,389
Number of voters issued with voting material	2,389
Total number of voters issued with replacement voting material	0
<b>Total number of voting material packs issued</b>	<b>2,389</b>
<b>VOTING MATERIAL RETURNED</b>	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	137
Number of declaration envelopes rejected at preliminary scrutiny (minus)	5
Number of ballot papers returned outside declaration envelopes (minus)	0
<b>COUNT</b>	
Total ballot papers admitted to the count	132
<b>LATE OR UNRETURNED VOTING MATERIAL</b>	
Voting material returned as unclaimed mail by closing date of ballot	12
Voting material packs not returned by voters by closing date of the ballot	2,240
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	5.73 %

### Sub Branch Delegate to Council (3)

<u>Candidates</u>	<u>Final Votes</u>
HOLMES, Connie	113
SOARES, Reg	68
HERNANDEZ, Paula	110
BOCHNO, Michelle	87
<b>Total ballot papers admitted for this office</b>	<b>132</b>
Formal Ballot papers	126
Informal Ballot papers	6

I declare the following elected:	Order Elected
• HOLMES, Connie	1
• HERNANDEZ, Paula	2
• BOCHNO, Michelle	3

### North West Sub-Branch

<b>VOTING MATERIAL ISSUED</b>	
Total number of people on the roll of voters (a)	776
Number of voters issued with voting material	776
Total number of voters issued with replacement voting material	1
<b>Total number of voting material packs issued</b>	<b>777</b>
<b>VOTING MATERIAL RETURNED</b>	

Total number of envelopes returned for scrutiny by closing date of ballot (b)	135
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers returned outside declaration envelopes (minus)	0
<b>COUNT</b>	
Total ballot papers admitted to the count	135
<b>LATE OR UNRETURNED VOTING MATERIAL</b>	
Voting material returned as unclaimed mail by closing date of ballot	5
Voting material packs not returned by voters by closing date of the ballot	637
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	17 %

### Sub Branch Delegate to Council (2)

<u>Candidates</u>	<u>Final Votes</u>
DRAPER, Sharon	85
BOYD, Teresa	42
HOLMES, Carla	22
VELLA, Harry	113

<b>Total ballot papers admitted for this office</b>	<b>135</b>
Formal Ballot papers	131
Informal Ballot papers	4

I declare the following elected:	Order Elected
• VELLA, Harry	1
• DRAPER, Sharon	2

### South Coast Sub-Branch

<b>VOTING MATERIAL ISSUED</b>	
Total number of people on the roll of voters (a)	2,785
Number of voters issued with voting material	2,785
Total number of voters issued with replacement voting material	0
<b>Total number of voting material packs issued</b>	<b>2,785</b>
<b>VOTING MATERIAL RETURNED</b>	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	213
Number of declaration envelopes rejected at preliminary scrutiny (minus)	4
Number of ballot papers returned outside declaration envelopes (minus)	0
<b>COUNT</b>	
Total ballot papers admitted to the count	209
<b>LATE OR UNRETURNED VOTING MATERIAL</b>	
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	2,556

Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	8 %
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### Sub Branch Delegate to Council (2)

<u>Candidates</u>	<u>Final Votes</u>
CRANNEY, Emily	107
YOUNG, Lachlan	131
GLASE, Louise	170

<b>Total ballot papers admitted for this office</b>	<b>209</b>
Formal Ballot papers	204
Informal Ballot papers	5

I declare the following elected:	Order Elected
• GLASE, Louise	1
• YOUNG, Lachlan	2

Shehan Liyanage  
 Returning Officer  
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 Email: IEBevents@aec.gov.au  
 03/09/2024.

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