20/03/2026

Post-election report

Independent Education Union of Australia

Scheduled Election

E2025/197

AEC
Australian Electoral Commission

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Summary

The AEC has recently completed an election for the Independent Education Union of Australia.

Report requirements

After the completion of an election under the *Fair Work (Registered Organisations) Act 2009* (the Act) the AEC is required to prepare a post-election report. The report must cover the matters set out in section 141 of the Fair Work (Registered Organisations) Regulations 2009 (the Regulations). This includes:

(a) a declaration of the results
(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
(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.

The AEC is required to identify adverse rules in the report. An adverse rule is one that the returning officer found difficult to interpret or apply to the election. The organisation must respond in writing to the AEC to any adverse rules within 30 days of the date of this post-election report.

Election covered in post-election report

Organisation:	Independent Education Union of Australia
Election decision no:	E2025/197
Election:	Scheduled
Date the nominations closed:	10 March 2026
Date results declared:	17 March 2026
Date report due:	9 April 2026

Declaration of result of election

In accordance with regulation 140 of the Regulations, the AEC issued a declaration of the result of election E2025/197 on 17 March 2026. For a copy, see attachment A.

Independent Education Union of Australia rules

Independent Education Union of Australia rules used for the election: 130N: Incorporates alterations of 19 June 2025 [R2025/32]

Role of Voters

The AEC did not identify any issues in the roll of voters.

Written allegations of any irregularities

The AEC did not receive any written allegations of any irregularities for this election.

Other irregularities

The AEC did not identify any other irregularities for this election.

Signed
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20/03/2026

Attachments

A. Declaration of results for uncontested offices

Appendix A - Relevant legal provisions

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

197 Postelection 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).

198 Organisation to respond to adverse report on rules

Organisation must respond to "difficult rules" report

(1) If an organisation or branch is given a postelection 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.

Civil penalty: 100 penalty units.

(2) 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.

Organisation must make its response available to members

(3) The organisation or branch must also make available to its members the part of the report dealing with the difficult rule or rules (the ***relevant extract***) and the organisation's or branch's response to it.

(4) The relevant extract must be made available to members no later than the day on which the response is to be made available by the organisation or branch to members.

Civil penalty: 100 penalty units.

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 Postelection 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 ***postelection 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 postelection 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 postelection 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 postelection report to the member as soon as practicable, but no later than 7 days, after receiving a request under paragraph (2)(b).

142 Adverse report on rules (s 198)

(1) The AEC must advise the General Manager of a possible contravention of subsection 198(1) of the Act not later than 21 days after the AEC has become aware of the possible contravention.

(2) For paragraph 198(6)(c) of the Act, in addition to the matters specified in subsection 198(6) of the Act, an organisation or branch must meet the following requirements if the organisation or branch has a web site:

(a) the organisation or branch must publish a copy of the relevant extract of the report on its web site within 14 days after receiving the post-election report;

(b) the organisation or branch must publish the written response given under subsection 198(1) on its web site within 14 days after giving the response to the AEC.

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.