

2 December 2022

Post-election report

Australian Education Union

AEU - Victoria Branch

Scheduled election

E2022/157

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Election Covered in this Report

Organisation: AEU - Victoria Branch
Election: Scheduled
Election Decision No/s: E2022/157

Rules

Rules used for the election: 284V: Incorporates alterations of 21 September 2022 [R2022/88]
(replaces rulebook dated 6 July 2021 [R2021/61])

Rules difficult to apply/interpret: No

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Other Matters

Returning Officer actions required (Section 193): Yes

Details: Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.

Signed

Lachlan Symonds
Returning Officer
Australian Electoral Commission
E: iebevents@aec.gov.au
P: 02 9375 6366
2 December 2022

Attachments

A. Declaration of Results for Uncontested Offices – VIC



30 November 2022

Erin Aulich
Branch Secretary
Australian Education Union - Victorian Branch
Sent via email: melbourne@aeuvic.asn.au



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2022/157

Dear Erin Aulich,

An election has recently been completed by the Australian Electoral Commission (**AEC**) for the Australian Education Union - Victorian Branch.

This letter explains the next steps you must take and what information you need to lodge with the Registered Organisations Commission (**ROC**).

What you must do right now

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to regorgs@roc.gov.au

This letter explains these steps and the tools available to help you.

STEP 1: Notify members

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (r. 141). The notice must be on your website for at least 3 months.



Can I put more information on our website?

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than 3 months. You can always do more than the regulatory minimum.

The ROC will also publish your declaration of results on our [website](https://www.roc.gov.au).

STEP 2: Financial training

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete financial training (s 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

There are face to face and online [financial training packages on the ROC website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the ROC](#) **within 6 months** of beginning to hold office.



Good governance tip:

Organisations should instruct officer holders about their other obligations. This is especially important for committee of management members.

Our podcast covers the [benefits of officer induction](#). Officers have responsibilities under the rules, the RO Act, and disclosure requirements around conflicts of interest, remuneration and material personal interests. Officers will benefit from our [officer induction kit](#) and our [podcast, such as episode 17 - conflicts of interest](#).

STEP 3: Notifications of change

A notification of change must be lodged with the ROC within **35 days** of the change occurring.



We have a [template](#) to help you with this, which you can send to regorgs@roc.gov.au. An officer must sign the completed notification template.

You must lodge a notification of change if:

- any of your officers have not been re-elected;
- officers have changed offices; or
- you have new officers.

Only notify us of changes that have **already occurred**. If people take up office in the future, you must wait until the change happens before lodging the notification within 35 days of the change.

Note: One election may result in many notifications of change.



Penalties apply

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

ROC v CEPU

The organisation failed to make a series of notifications of change on time.

The Full Court said 'The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.'

The organisation was ordered to pay a penalty. More information is available in our [case summary](#).

Questions?



Why do I need to tell you the results of the election when you've already received them?

The RO Act requires that **you** tell us this information about your officers – it is a legal obligation. The notification of change also contains information that is not in the declaration of results.

What if the officer has already done training?

Check out our [fact sheet](#) for when officers need to redo training, when they can get an exemption and when further training isn't required.

If you have any queries we can be contacted on 1300 341 665 or by email at regorgs@roc.gov.au.

Yours sincerely

Registered Organisations Commission



The ROC has a [Compliance Policy](#) which explains how we respond to issues of non-compliance. The policy is available on our website if you would like further information on the steps the compliance team may take in response to non-lodgement of a financial report.

Australian Education Union (AEU)
Victoria Branch
DECLARATION OF RESULTS - E2022/157
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:

Primary Sector

Ordinary Member of Branch Executive (7)

Candidates

BURTON Tanya
DERRICK Lee-Ann
MASIERO Antoinette
PACE Michael
PONTIKIS Mary-Anne
TENSON Katrina
WARING-DALLWITZ Claire

Secondary Sector

Ordinary Member of Branch Executive (5)

Candidates

COLES Simon
HARRIS Justin
HUMPHRIES Ann
KOLBER Jem
MARTIN Keith

Early Childhood Sector

Ordinary Member of Branch Executive (1)

Candidates

BRYAN Kay

TAFE and Adult Provision Sector

Ordinary Member of Branch Executive (1)

Candidates

RIGONI Anthony

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

Lachlan Symonds
Returning Officer
Telephone: 02 9375 6366
Email: IEBevents@aec.gov.au
29/11/2022



DECISION

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

Australian Education Union
(E2022/157)

MR STEENSON

SYDNEY, 25 AUGUST 2022

Arrangement for conduct of election.

[1] On 11 August 2022 the Victorian Branch of the Australian Education Union lodged with the Registered Organisations Commission prescribed information for a scheduled election to fill the following offices for a new term of office:

Ordinary Members of Branch Executive representing the following sectors:

Primary Sector	(7)
Secondary Sector	(5)
Early Childhood Sector	(1)
TAFE and Adult Provision Sector	(1)

[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 COMMISSIONER

Printed by authority of the Commonwealth Government Printer

PR352317



11 August 2022

Mr Mark Bielecki
Registered Organisations Commissioner
Registered Organisations Commission
GPO Box 2983
Melbourne VIC 3001
via email regorgs@roc.gov.au

Dear Commissioner Bielecki

**PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009* -
AEU VIC Branch – Election of Ordinary Members of Branch Executive**

I, **Erin Aulich**, being the **Branch Secretary of the Australian Education Union Victorian Branch**, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Australian Education Union Victorian Branch (AEU Vic Branch).
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The election to be held is:
Election of Ordinary Members of Branch Executive (AEU Vic Branch Rule 49)
as set out in the table in Annexure A.
4. No rule alterations are pending that will impact these elections.
5. This statement **IS** lodged at least 2 months before nominations open for the elections as set out in the table in Annexure A.
6. **Voting system and number of positions**
The voting system to be employed in the conduct of the election is a collegiate electoral system.
Pursuant to AEU Vic Branch rule 11(3) the financial branch and sector membership numbers as at 30th June 2022 will determine the number of persons elected as Ordinary Members of Branch Executive. The number of positions to be elected is set out at Schedule 1 to Annexure A:
 - Part A - Number of financial members as at 30 June 2022 by Sectors;
 - Part B - Calculations as per AEU Vic Branch rule 11 determining the number of persons elected as Ordinary Members of Branch Executive.

Dates and Times:

The dates and times for nominations open and close to be determined by the Returning Officer from the Australian Electoral Commission with regards to AEU Vic Branch rule 49(5).

AEU Vic Branch Rules contain respective timetables for the conduct of these elections as set out at *Annexure A - Important dates*.

7. Contact:

The contact person for lists of members and other necessary information is:

Erin Aulich
Branch Secretary
Australian Education Union Victorian Branch
PO Box 363
Abbotsford VIC 3067
Phone: (03) 9418 4817 (direct)
Email: erin.aulich@aeuvic.asn.au

Yours sincerely

A handwritten signature in blue ink, appearing to read 'E. Aulich'.

Erin Aulich
Branch Secretary
AEU Victoria

ANNEXURE A

AEU VIC BRANCH ELECTION OF ORDINARY MEMBERS OF BRANCH EXECUTIVE: In accordance with Australian Education Union Victorian Branch Rule 49 elections are required for Ordinary Members of Branch Executive (Refer AEU Vic Branch Rule 49)						
Branch	Name of Office	Term of Office	Number required	Voting System Direct voting system (DVS); Collegiate electoral system	Reason for Election Scheduled; Casual vacancy; New office created; Insufficient nominations	Electorate
VIC	Ordinary Members of Branch Executive from Primary Sector Council	1 January 2023 to 31 December 2023	7	Collegiate electoral system	Scheduled - current term of office expires on 31 December 2022	The electorate is all the ordinary members of the Primary Sector Council. [Rule 11(1)(b)]
	Ordinary Members of Branch Executive from Secondary Sector Council	1 January 2023 to 31 December 2023	5	Collegiate electoral system	Scheduled - current term of office expires on 31 December 2022.	The electorate is all the ordinary members of the Secondary Sector Council. [Rule 11(1)(b)]
	Ordinary Members of Branch Executive from Early Childhood Sector Council	1 January 2023 to 31 December 2023	1	Collegiate electoral system	Scheduled - current term of office expires on 31 December 2022.	The electorate is persons elected as ordinary members of the Branch Executive by members of the Early Childhood Sector Council from persons who are ordinary members of the Branch Council from the relevant sector council. [Rule 11(1)(b)]
	Ordinary Members of Branch Executive from TAFE and Adult Provision Sector Council	1 January 2023 to 31 December 2023	1	Collegiate electoral system	Scheduled - current term of office expires on 31 December 2022.	The electorate is persons elected as ordinary members of the Branch Executive by members of TAFE and Adult Provision Sector Council from persons who are ordinary members of the Branch Council from the relevant sector council. [Rule 11(1)(b)]

- Important dates - AEU VIC Branch Election of Ordinary Members of Branch Executive:

	Collegiate Voting System	Notes
Nominations OPEN	To be determined by the Returning Officer from the Australian Electoral Commission <i>It is recommended that nominations open on Monday 21 November 2022.</i>	<p><i>The notice calling for nominations ...shall specify a date for the opening of nominations which shall be a date not less than 14 days before the date for holding the meeting provided that, where the election is to be conducted at the meeting of the sector council at which ordinary members of the Branch Council are elected, nominations shall be called by the Branch Returning Officer announcing to the meeting that nominations are open and allowing sufficient time for persons seeking to nominate to submit their nominations [Rule 49(5)]</i></p> <p><i>The Branch Returning Officer shall call for nominations for the positions of ordinary members of the Branch Executive by sending a notice to each member or member elect of the relevant sector council provided that, where the election is to be conducted at the meeting of the sector council at which ordinary members of the Branch Council are elected, nominations shall be called immediately after the conclusion of the election of ordinary members of Branch Council. [Rule 49 (4)]</i></p> <p><i>Pursuant to notification received by the AEC regarding the AEC's COVID-19 response and in person (attendance) ballots the AEU will work with the AEC on an alternative approach, if required.</i></p>
Nominations CLOSE	To be determined by the Returning Officer from the Australian Electoral Commission <i>It is recommended that nominations close during the respective Sectors' Council Meetings on Friday 9 December 2022.</i>	
Roll of Voters cut- off date	<i>7 days prior to nominations opening [rule 57(2A)]</i>	
Ballot (if required)	<i>If a ballot is required it can be conducted at the respective Sector Council Meetings on Friday 9 December 2022.</i>	

SCHEDULE 1 – PART A

AEU VIC BRANCH FINANCIAL MEMBERSHIP AS AT 30 JUNE 2022 BY SECTOR

SECTOR		FINANCIAL MEMBERS
EARLY CHILDHOOD		2,791
PRIMARY		25,439
SECONDARY		17,591
TAFE & ADULT PROVISION (TAP)		2,191
TOTAL		48,012

SCHEDULE 1 – PART B: ELECTION OF ORDINARY MEMBERS OF BRANCH EXECUTIVE

Pursuant to AEU Vic Branch Rule 11(3) the financial membership numbers of the Branch and each sector as at 30 June 2022 will determine the number of persons elected as ordinary members of Branch Executive.

The financial membership of the Branch at 30 June 2022 was **48,012**.

The financial membership of each Sector at 30 June 2022 was:

Primary	25,439
Secondary	17,591
Early Childhood	2,791
TAFE & Adult Provision	2,191
TOTAL MEMBERSHIP	48,012

The application of Rule 11(2)(a) results in a quota of **3693**. This determination is based on the total financial membership of the Branch divided by 13 and the result rounded off to the nearest whole number (the quota) = $48,012 / 13 = 3693.23$

Therefore:

Primary	$25,439 / 3693 = 6.89$
Secondary	$17,591 / 3693 = 4.76$
Early Childhood	$2,791 / 3693 = 0.76$
TAFE & Adult Provision	$2,191 / 3693 = 0.59$

When Rule 11(2)(b) is applied to each Sector, the entitlement to ordinary members of Branch Executive is:

Primary	7
Secondary	5
Early Childhood	1
TAFE & Adult Provision	1