



29 May 2023

Damien Cahill
General Secretary
National Tertiary Education Industry Union
Sent via email: national@nteu.org.au

cc: nsw@nteu.org.au

Dear Damien Cahill



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2023/50

An election has recently been completed by the Australian Electoral Commission (AEC) for the National Tertiary Education Industry Union-New South Wales Division.

This letter explains the next steps you must take and what information you need to lodge with the Fair Work Commission (the Commission).

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@fwc.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 (regulation 141). The notice must be on your website for at least three 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 three months. You can always do more than the regulatory minimum.

The Commission will also publish your declaration of results on our [website](#).

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 (section 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 Commission website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the Commission within six 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 Commission within **35 days** of the change occurring.

We have a [template](#) to help you with this, which you can send to regorgs@fwc.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](#).



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@fwc.gov.au.

Yours sincerely

Fair Work Commission



The Commission 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.

18 May 2023

Post-election report

National Tertiary Education Industry
Union
Casual Vacancy election
E2023/50

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Election(s) Covered in this Report

Organisation: National Tertiary Education Industry Union
Election: Casual Vacancy
Election Decision No/s: E2023/50

Rules

Rules used for the election: 283V: Incorporates alterations of 2 June 2022 [R2022/18]

Rules difficult to apply/interpret:

Model Rule reference (if any): **N/A**

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

Signed

Ben Murray
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 03 9285 7111
18 May 2023

Attachments

A. Declaration of Results for Uncontested Offices – NSW

National Tertiary Education Industry Union
DECLARATION OF RESULTS - E2023/50
Uncontested Offices

Casual Vacancy 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:

New South Wales Division

NSW Division Assistant Secretary (1)

Candidates

HOWSON Stevie

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

Ben Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
18/05/2023





DECISION

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

National Tertiary Education Industry Union
(E2023/50)

MR STEENSON

SYDNEY, 21 MARCH 2023

Arrangement for conduct of election.

[1] On 16 March 2023 the National Tertiary Education Industry Union lodged with the Fair Work Commission prescribed information for an election to fill a casual vacancy in the following office for the remainder of the term:

NSW Division Assistant Secretary

(1)

[2] The organisation has advised that, by the direct operation of its rules,¹ the Assistant Secretary ceased to hold that office once he was declared elected as Division Secretary on 23 February 2023 in E2022/197.

[3] I am satisfied that an election for the abovenamed office 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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PR755010

¹ In particular, rule 18.5B

Fair Work (Registered Organisations) Act 2009, Section 189

Fair Work (Registered Organisations) Regulations 2009, Reg. 138

NATIONAL TERTIARY EDUCATION INDUSTRY UNION - REQUEST FOR ELECTIONS TO BE HELD

TO: The Fair Work Commission.

I, **Damien Cahill**, General Secretary of the National Tertiary Education Industry Union (“the Union”), of 120 Clarendon Street South Melbourne, Victoria, hereby request, pursuant to Section 189 of the Fair Work (Registered Organisations) Act 2009, that the Commissioner approve and arrange for the conduct of a further election required under the rules of the Union to commence in 2022, and declare as follows:

1. Vince Caughley been declared elected as NSW Division Secretary of the Union, to fill a casual vacancy (E2022-197). As a consequence, by the direct operation of the rules, Vince Caughley ceased to hold the office of NSW Division Assistant Secretary which he held until the declaration in February 2023 (Rule 18.5 B).
2. I am authorised under the rules of the Union to make this request and the information provided herein is true and correct.
3. As a consequence of the facts set out in paragraph 1, above, there is a casual vacancy in the office of NSW Assistant Division Secretary, and an election must be conducted for that office as is required under Rule 80.4., to fill that casual vacancy.
2. The relevant details as required by Regulation 138 of the *Fair Work (RO) Regulations* are as follows:
 - (a) **The name of the office** (Regulation 138(1)(a)) is **New South Wales Division Assistant Secretary**.
 - (b) **The reason for the election** (138(1)(b)) is there is a **casual vacancy** in the position.
 - (c) **There is only one office to be filled.** (138(1)(c)).
 - (d) It is an office in the **New South Wales Division** of the Union, and **the electorate from which the office is to be elected** is the members of the New South Wales Division of the Union (138(1)(d)).
 - (e) **The period during which nominations may be called** (138(1)(e)) is to be determined by the returning officer. However, the election must be completed within three months of the occurrence of the vacancy, disregarding December, and January. (Rule 80.4)

(f) **The date provided for in the rules as the day on which the roll of voters is to be closed** (138(1)(f)) is the seventh day before the date determined for the opening of nominations (Rule 72.1).

(g) **The voting system to be employed** (138(1)(g)) in the conduct of the election is a **direct voting system**, in accordance with the Union's Rules.

3. The term of office is until 16 October 2026.

Please contact Tracey Coster in the first instance should you have any questions regarding this request.

I have provided a copy of this request to the Australian Electoral Commission at industrial.elections@aec.gov.au



DAMIEN CAHILL
General Secretary
16 March 2023