



9 August 2023

Patrick Judge
Branch Secretary
Australian Education Union - ACT Branch
Sent via email: patrick.judge@aeuact.org.au

cc: aeu@aeufederal.org.au

Dear Patrick Judge



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2023/7

An election has recently been completed by the Australian Electoral Commission (AEC) for the Australian Education Union - ACT Branch and a post-election report has been issued by the AEC.

This letter explains the next steps you must take, including what information you need to give to members 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 the Commission at 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 we 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 approved 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 receive 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 *Fair Work (Registered Organisations) Act 2009* (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.

Real-life example of penalties in Court An 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 an interim [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.

21 July 2023

Post-election report

Australian Education Union

Australian Capital Territory Branch

Scheduled election

E2023/7

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Election(s) Covered in this Report

Organisation: AEU - Australian Capital Territory Branch

Election: Scheduled

Election Decision No/s: E2023/7

Rules

Rules used for the election: 284V: Incorporates alterations of 10 March 2023 [R2022/134]

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/

Other Matters

Returning Officer actions required (Section 193): No
Details: N/A

Signed

Ben Murray
Returning Officer
Australian Electoral Commission
E: IEBevents@aec.gov.au
P: 03 9285 7111
21 July 2023

Attachments

A. Declaration of Results for Uncontested Offices

B. Declaration of Results for Contested Offices

Australian Education Union
Australian Capital Territory Branch
DECLARATION OF RESULTS - E2023/7
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:

School Assistants in the Public School Sector:

Branch Executive Representative (1)

Candidates

MCINALLY Jane

Public Vocational Education and Training Sector:

Alternate Branch Executive Representative (1)

Candidates

No Nominations Received

Public Vocational Education and Training Sector:

Branch Executive Representative (1)

Candidates

JAMES MILLS Samuel

School Assistants in the Public School Sector:

Alternate Branch Executive Representative (1)

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.

Ben Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
08/06/2023.

Australian Education Union
Australian Capital Territory Branch
DECLARATION OF RESULTS - E2023/7
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:

Public School Sector - Excluding School Assistants

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	4,103
Number of voters issued with voting material	4,103
Total number of voters issued with replacement voting material	1
Total number of voting material packs issued	4,104
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	357
Number of declaration envelopes rejected at preliminary scrutiny (minus)	4
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	353
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	65
Voting material packs not returned by voters by closing date of the ballot	3,682
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	9 %

Branch Executive Representative (8)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
NICHOLSON, Naomi	29	173
CHISHOLM, Murray	33	189
KENNEDY, Tony	23	165
JOLLY, Oscar	22	
BURT, Leica	18	188
HERRINGTON, Brittany	22	173
NIXON, Dominic	37	174
ST GEORGE, Jackson	25	
MONSMA, Barbara	59	174
CLEARY, Trina	66	205
YALLOP, Andrew	11	

Total ballot papers admitted for this office	353
Formal Ballot papers	345
Informal Ballot papers	8

I declare the following elected:	Order Elected
• MONSMA, Barbara	1
• CLEARY, Trina	2
• HERRINGTON, Brittany	3
• NICHOLSON, Naomi	4
• CHISHOLM, Murray	5
• BURT, Leica	6
• NIXON, Dominic	7
• KENNEDY, Tony	8

Ben Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
20/07/2023





15 June 2023

Patrick Judge
Branch Secretary
Australian Education Union - ACT Branch
Sent via email: patrick.judge@aeuact.org.au

cc:

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ROC v CEPU

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Fair Work Commission



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Fair Work
Commission

DECISION

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

Australian Education Union
(E2023/7)

MR STEENSON

SYDNEY, 13 APRIL 2023

Arrangement for conduct of election.

[1] On 30 March 2023 the ACT Branch of the Australian Education Union lodged with the Fair Work Commission prescribed information for an election to fill the following offices for a new term of office:

Branch Executive Representatives from the following Sectors:

- Public School Sector (excluding School Assistants) (8)
- Public Vocational Education and Training Sector (1)
- School Assistants in the Public School Sector (1)

Branch Executive Alternative Representatives from the following Sectors:

- Public Vocational Education and Training Sector (1)
- School Assistants in the Public School Sector (1)

[2] I note that, under the rules of the Branch, the two offices of Branch Vice President¹ are subject to election later this year, and are then to take office from 1 January or the date of declaration of their election, whichever is the later date,² as elections for Branch Vice presidents fall due in the alternate year to the election year for Branch Secretary and Branch President.³

¹ From the Public School Sector and the Public Vocational Educational and Training Sector

² ACT Branch rules certified 10 March 2023 [R2022/134] – Election Table at A9 and A10

³ See Election Table at A7 and A8

[3] 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 GENERAL MANAGER

Printed by authority of the Commonwealth Government Printer

PR755023

PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009*

I, Patrick Judge, being the Branch Secretary of the Australian Education Union, ACT Branch make the following statement:

1. I am authorised to sign this statement containing prescribed information for the ACT Branch of the Australian Education Union.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. No rule alterations are pending that will impact the election.
4. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:



Dated: 30 March 2023

NOTE: This statement should be lodged with the Fair Work Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@fwc.gov.au.

Annexure A

- Elections that are required [insert as many pages as required]

Branch	Name of Office	Number required	Voting System Direct voting system; Collegiate electoral system	Reason for Election Scheduled; Casual vacancy; New office created; Insufficient nominations	Electorate
AEU ACT Branch	Branch Executive representative	Eight (8)	Direct Voting System	Scheduled	Public school sector of ACT delegates (excluding school assistants), Rule 10.3.3 (a) and cell A2 of Election Table
AEU ACT Branch	Branch Executive representative	One (1)	Direct Voting System	Scheduled	Public vocational education and training sector of the ACT delegate, Rule 10.3.3 (b) and cell A3 of Election Table
AEU ACT Branch	Branch Executive representative	One (1)	Direct Voting System	Scheduled	School assistants in public school sector of the ACT delegate, Rule 10.3.3.(c) and cell A4 of Election Table
AEU ACT Branch	Branch Executive alternate representative	One (1)	Direct Voting System	Scheduled	Public vocational education and training sector of the ACT delegate, Rule 10.3.3 (d)(i) and cell A5 of Election Table
AEU ACT Branch	Branch Executive alternate representative	One (1)	Direct Voting System	Scheduled	School assistants in public school sector of the ACT delegate, Rule 10.3.3.(d)(ii) and cell A6 of Election Table

- Important dates:

	Direct Voting System
Nominations OPEN	To be determined by the returning officer (Rule 24.5), preference 30 May 2023
Nominations CLOSE	To be determined by the returning officer, preference 15 June 2023 (Rule 24.5.1, 14 day period)
Roll of Voters cut off date	For Eight Branch Executive representatives the roll of voters is financial members of the Branch who are engaged in the public school sector in the ACT, excluding school assistants.