



8 August 2023

Andrew Gohl
Branch President
Australian Education Union - South Australian Branch
Sent via email: aeusa@aeusa.asn.au

cc: Susan Hopgood, aeu@aeufederal.org.au

Dear Andrew Gohl



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2023/53

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

6 July 2023

Post-election report

Australian Education Union

AEU - South Australia Branch

Casual Vacancy election

E2023/53

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Election(s) Covered in this Report

Organisation: AEU - South Australia Branch

Election: Casual Vacancy

Election Decision No/s: E2023/53

Rules

Rules used for the election: 284V- Incorporates alterations of 19 January 2021 [R2020-206]

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

Signed

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

Attachments

A. Declaration of Results for Contested Offices – SA

Australian Education Union (AEU)
South Australia Branch
DECLARATION OF RESULTS - E2023/53
Contested 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:

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	12,006
Number of voters issued with voting material	12,006
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	12,006
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	989
Number of declaration envelopes rejected at preliminary scrutiny (minus)	9
Number of ballot papers returned outside declaration envelopes (minus)	1
COUNT	
Total ballot papers admitted to the count	979
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	119
Voting material packs not returned by voters by closing date of the ballot	10,898
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	8.23 %

Branch Secretary (1)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
TIPPINS, Mika (Michaela)	362	362
CHERRY, Matthew	615	615

Total ballot papers admitted for this office	979
Formal Ballot papers	977
Informal Ballot papers	2

I declare the following elected:

- CHERRY, Matthew

Ben Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEEvents@aec.gov.au
06/07/2023





Fair Work
Commission

DECISION

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

Australian Education Union
(E2023/53)

MR STEENSON

SYDNEY, 28 MARCH 2023

Arrangement for conduct of election.

[1] On 21 March 2023 the South Australian Branch of the Australian Education 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:

Branch Secretary (1)

[2] 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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PR755017



**Australian
Education
Union** SA Branch

21 March 2023

Mr Murray Furlong
General Manager
Fair Work Commission
GPO Box 1994
MELBOURNE VIC 3001

Email: regorgs@fwc.gov.au

Dear Mr Furlong

Re: Prescribed Information - Australian Education Union (SA Branch) – Casual Vacancy – Branch Secretary

I wish to submit a Prescribed Information for an election to fill the casual vacancy of Branch Secretary.

I, Matthew Cherry, being the Branch Vice President of the Australian Education Union (SA Branch) make the following statement:

1. I am authorised to sign this statement containing prescribed information for the South Australia 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.
5. This statement is lodged at least two months before nominations open for the elections in Annexure A.
6. The election set out in Annexure A is due to the resignation of Ms Leah York as AEU SA Branch Secretary (Annexures B).

Yours sincerely

MATTHEW CHERRY
Branch Vice-President

ELECTIONS REQUIRED FOR THE SOUTH AUSTRALIA BRANCH OF THE AUSTRALIAN EDUCATION UNION:

Name of Office	Number required	Voting System	Reason for Election	Electorate
Branch Secretary	1	Direct Voting System	Casual Vacancy	Financial members of the SA Branch (<i>Rule 48(4)(a)</i>)

IMPORTANT DATES:

	Direct Voting System
Nominations OPEN	Not less than 14 days before the close of nominations (<i>Rule 48(12)</i>)
Nominations CLOSE	Not less than 14 days after nominations open.
Roll of Voters cut-off date	Seven days before the day on which nominations open (<i>Rule 52(1A)</i>)