

3 August 2023

Post-election report

Australian Education Union

New South Wales Teachers Federation
Branch

Scheduled election and Insufficient
Nominations election
E2022/168 & E2023/103

Contents

Election(s) Covered in this Report3

Rules.....3

Signed.....3

Attachments3

 A. Declaration of results for Uncontested Offices - Scheduled Election3

 B. Declaration of Results for Contested Offices - Scheduled Election3

 C. Declaration of Results for Uncontested Offices – Insufficient Nominations Election.....3

 D. Declaration of Results for Contested Offices – Insufficient Nominations Election.....3

Election(s) Covered in this Report

Organisation: Australian Education Election, New South Wales Teachers Federation Branch
Election: Scheduled and Insufficient Nominations Election
Election Decision No/s: E2022/168 & E2023/103

Rules

Rules used for the election: 284V: Incorporates alterations of 21 September 2022 [R2022/88]

Rules difficult to apply/interpret: Nil

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
3 August 2023

Attachments

- A. Declaration of Results for Uncontested Offices – Scheduled Election
- B. Declaration of Results for Contested Offices – Scheduled Election
- C. Declaration of Results for Uncontested Offices – Insufficient Nominations Election
- D. Declaration of Results for Contested Offices – Insufficient Nominations Election



16 August 2023

Maxine Sharkey
Branch Secretary
Australian Education Union - New South Wales Teachers Federation (NSWTF) Branch
Sent via email: mail@nswtf.org.au

cc: aeu@aeufederal.org.au

Dear Maxine Sharkey



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2023/103

An election has recently been completed by the Australian Electoral Commission (AEC) for the Australian Education Union - New South Wales Teachers Federation (NSWTF) 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](#).

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.

Australian Education Union
New South Wales Teachers Federation Branch
DECLARATION OF RESULTS - E2022/168 & E2023/103
Uncontested Offices

Insufficient Nominations 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:

Aboriginal Members' Roll

Branch Conference Delegate (6)

Candidates

No Nominations Accepted

Ardlethan

Branch Conference Delegate (1)

Candidates

No Nominations Received

Balranald-Tooleybuc

Branch Conference Delegate (1)

Candidates

No Nominations Received

Barham

Branch Conference Delegate (1)

Candidates

No Nominations Received

Barrier

Branch Conference Delegate (1)

Candidates

LYNCH Kelly

Batemans Bay

Branch Conference Delegate (1)

Candidates

CULLEN Jeanette

Bellinger River

Branch Conference Delegate (1)

Candidates

No Nominations Received

Bingara

Branch Conference Delegate (1)

Candidates

No Nominations Received

Blacktown

Branch Conference Delegate (7)

Candidates

CYRESZKO Alex

EARL Linden

GIBBS Troy

ROCHE Natalie

WILLIS Digna

Blayney

Branch Conference Delegate (1)

Candidates

No Nominations Accepted

Bombala

Branch Conference Delegate (1)

Candidates

No Nominations Received

Bonalbo

Branch Conference Delegate (1)

Candidates

No Nominations Received

Boorowa

Branch Conference Delegate (1)

Candidates

MOORBY Elizabeth

Bourke

Branch Conference Delegate (1)

Candidates

No Nominations Received

Brewarrina

Branch Conference Delegate (1)

Candidates

No Nominations Received

Camden

Branch Conference Delegate (4)

Candidates

LUTMAN Catherine

Campbelltown

Branch Conference Delegate (5)

Candidates

CAMPBELL Teneille

CARLSON Danielle

KROHN Gina

TUNCER Manal

Canterbury-Bankstown

Branch Conference Delegate (5)

Candidates

LONG Jenny

LUDLOW Brendon

Casino

Branch Conference Delegate (1)

Candidates

No Nominations Received

Cessnock

Branch Conference Delegate (2)

Candidates

WINDSOR Christine

Cobar

Branch Conference Delegate (1)

Candidates

SMITH Jessie

Coffs Harbour

Branch Conference Delegate (3)

Candidates

MCGRANE Kris

VENN Jed

Coleambally

Branch Conference Delegate (1)

Candidates

No Nominations Received

Coolamon

Branch Conference Delegate (1)

Candidates

No Nominations Received

Coonamble

Branch Conference Delegate (1)

Candidates

No Nominations Received

Cootamundra

Branch Conference Delegate (1)

Candidates

No Nominations Received

Corowa

Branch Conference Delegate (1)

Candidates

CHARLES Felicity

Cowra

Branch Conference Delegate (1)

Candidates

CLARK Sue

Crookwell

Branch Conference Delegate (1)

Candidates

O'NEILL Kirstie

Culcairn

Branch Conference Delegate (1)

Candidates

FISCHER Tanya

Dorrigo

Branch Conference Delegate (1)

Candidates

No Nominations Received

Dubbo

Branch Conference Delegate (1)

Candidates

No Nominations Received

Eastern Suburbs

Branch Conference Delegate (4)

Candidates

BARLOW Kathy

DIVINEY Liam

STAMELL George

Ettalong-Woy Woy

Branch Conference Delegate (2)

Candidates

CLAY Bronwyn Lee

Fairfield

Branch Conference Delegate (4)

Candidates

JEFFREY Nathan

NGUYEN Jacky

SANDER Kathryn

Finley

Branch Conference Delegate (1)

Candidates

WHITTY Samantha

Gilgandra

Branch Conference Delegate (1)

Candidates

No Nominations Received

Glen Innes

Branch Conference Delegate (1)

Candidates

VOIGT Tim

Gloucester

Branch Conference Delegate (1)

Candidates

No Nominations Received

Gobondery

Branch Conference Delegate (1)

Candidates

No Nominations Received

Gosford

Branch Conference Delegate (2)

Candidates

CASTLES Paul

Goulburn

Branch Conference Delegate (1)

Candidates

ROBINSON Cara

Grafton

Branch Conference Delegate (2)

Candidates

No Nominations Received

Griffith

Branch Conference Delegate (1)

Candidates

No Nominations Received

Gulgong

Branch Conference Delegate (1)

Candidates

No Nominations Received

Guyra

Branch Conference Delegate (1)

Candidates

No Nominations Received

Harden-Murrumburrah

Branch Conference Delegate (1)

Candidates

No Nominations Received

Hastings River

Branch Conference Delegate (1)

Candidates

No Nominations Accepted

Hawkesbury

Branch Conference Delegate (1)

Candidates

No Nominations Received

Hay

Branch Conference Delegate (1)

Candidates

HEYDON Griffin

Hillston

Branch Conference Delegate (1)

Candidates

No Nominations Received

Hornsby

Branch Conference Delegate (5)

Candidates

No Nominations Accepted

Inner City

Branch Conference Delegate (7)

Candidates

FARRELL Edwina

FITZGERALD Damien

KEATS Jenny

POON Bridget

Inner West

Branch Conference Delegate (5)

Candidates

TERRY Ramsey

Inverell

Branch Conference Delegate (1)

Candidates

No Nominations Received

Junee

Branch Conference Delegate (1)

Candidates

No Nominations Received

Kandos-Rylstone

Branch Conference Delegate (1)

Candidates

No Nominations Received

Kurri Kurri

Branch Conference Delegate (1)

Candidates

No Nominations Received

Kyogle

Branch Conference Delegate (1)

Candidates

No Nominations Received

Lake Macquarie

Branch Conference Delegate (1)

Candidates

MURPHY Alison

Lake Wallis

Branch Conference Delegate (2)

Candidates

No Nominations Received

Liverpool

Branch Conference Delegate (9)

Candidates

HUDSON Karen

MELO Elizabeth

Lockhart

Branch Conference Delegate (1)

Candidates

No Nominations Received

Lower Blue Mountains

Branch Conference Delegate (1)

Candidates

No Nominations Received

Lower Clarence

Branch Conference Delegate (1)

Candidates

No Nominations Received

Lower Richmond

Branch Conference Delegate (2)

Candidates

OWEN David

SULLIVAN Quentin

Macleay River

Branch Conference Delegate (2)

Candidates

HURLSTON Natalie

Maitland

Branch Conference Delegate (2)

Candidates

No Nominations Received

Manilla

Branch Conference Delegate (1)

Candidates

HEDGER Buffy

Manly-Warringah

Branch Conference Delegate (4)

Candidates

SONTER Jennifer

Mid Richmond

Branch Conference Delegate (1)

Candidates

No Nominations Received

Middle Harbour

Branch Conference Delegate (2)

Candidates

No Nominations Received

Mudgee

Branch Conference Delegate (1)

Candidates

MORLEY Belinda

Mullumbimby

Branch Conference Delegate (1)

Candidates

No Nominations Received

Narrabri-Wee Waa

Branch Conference Delegate (1)

Candidates

WAALS Rachel

Narrandera

Branch Conference Delegate (1)

Candidates

O'BRYAN Jade

Narromine-Trangie

Branch Conference Delegate (1)

Candidates

No Nominations Received

Newcastle

Branch Conference Delegate (4)

Candidates

No Nominations Received

Nyngan

Branch Conference Delegate (1)

Candidates

No Nominations Received

Oberon

Branch Conference Delegate (1)

Candidates

INWOOD Cameron

OCAA

Branch Conference Delegate (1)

Candidates

No Nominations Received

Parkes

Branch Conference Delegate (1)

Candidates

GREGORY Nancy

Parramatta

Branch Conference Delegate (7)

Candidates

MALLEN Julia

MOURAD Morrie

WATANABE John

Peak Hill

Branch Conference Delegate (1)

Candidates

No Nominations Received

Port Macquarie

Branch Conference Delegate (2)

Candidates

BOURNE Melissa

Queanbeyan

Branch Conference Delegate (2)

Candidates

MORTENSEN Mark

SCOTT Kimberley

Ryde-Macquarie

Branch Conference Delegate (5)

Candidates

GIBBENS Vanessa

KEARSEY Stephen

Scone-Aberdeen

Branch Conference Delegate (1)

Candidates

No Nominations Received

Shoalhaven

Branch Conference Delegate (1)

Candidates

FLACK Stephen

Singleton

Branch Conference Delegate (2)

Candidates

No Nominations Received

South Illawarra

Branch Conference Delegate (1)

Candidates

MCGEE Lucas

Southern Highlands

Branch Conference Delegate (2)

Candidates

KUNKLER Megan

MATTHEWS Laishah

St George

Branch Conference Delegate (6)

Candidates

GU Ziyang

St Marys-Mt Druitt

Branch Conference Delegate (5)

Candidates

EL-CHAMI Sylvia Christou

SHARMA Anju

Sutherland

Branch Conference Delegate (6)

Candidates

ASHER Tom

GRAY Faye Ellen

Tamworth

Branch Conference Delegate (1)

Candidates

HENRY Pip

Temora

Branch Conference Delegate (1)

Candidates

BEATTIE Sharon

Tenterfield

Branch Conference Delegate (1)

Candidates

No Nominations Received

The Hills

Branch Conference Delegate (6)

Candidates

MOILER Robert Trevor

Tumbarumba

Branch Conference Delegate (1)

Candidates

No Nominations Received

Tweed

Branch Conference Delegate (2)

Candidates

No Nominations Received

Uralla

Branch Conference Delegate (1)

Candidates

No Nominations Received

Wagga Wagga

Branch Conference Delegate (2)

Candidates

No Nominations Accepted

Walcha

Branch Conference Delegate (1)

Candidates

No Nominations Received

Warialda

Branch Conference Delegate (1)

Candidates

No Nominations Received

Warren-Nevertire

Branch Conference Delegate (1)

Candidates

No Nominations Received

Wentworth

Branch Conference Delegate (1)

Candidates

No Nominations Received

Wilcannia

Branch Conference Delegate (1)

Candidates

No Nominations Received

Wollondilly

Branch Conference Delegate (2)

Candidates

No Nominations Accepted

Wyang

Branch Conference Delegate (3)

Candidates

DAVIS Rory

KWASNIK Jessica

Yass

Branch Conference Delegate (1)

Candidates

NORRIS Gregory Ian

Young

Branch Conference Delegate (1)

Candidates

GREENAWAY Victoria

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
23/06/2023



DECISION

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

Australian Education Union
(E2023/103)

MR STEENSON

SYDNEY, 16 MAY 2023

Arrangement for conduct of election.

[1] On 30 August and 8 September 2022, the New South Wales Teachers Federation (NSWTF) Branch (the Branch) of the Australian Education Union (the AEU) lodged prescribed information with the Registered Organisations Commission (the ROC), which was the relevant regulator at the time, seeking an election for various offices for a new term of office. In particular, the prescribed information sought the election of Delegates to the Branch Conference from various local ‘Associations’.

[2] On 16 September 2022, the ROC issued a decision in that matter (E2022/168)¹ to arrange for that election to be conducted by the Australian Electoral Commission (AEC). Relevantly for present purposes, among the Associations from which Branch Conference Delegates were to be elected were the Campbelltown Teachers Association and the Singleton Teachers Association.

[3] The scheduled election arranged following the decision in matter E2022/168 has now been completed. In that election, one (1) nomination was received for Campbelltown and none for Singleton.

[4] On 9 May 2023, the Branch lodged prescribed information with the Fair Work Commission (the Commission) prescribed information in relation to Branch Conference Delegates from Association. Specifically, the prescribed information lodged on 9 May 2023 noted that the original prescribed information (lodged in 2022) had contained an error in the number of persons to be elected for one of the offices, and that the error carried forward to the decision issued on 16 September 2022 for election E2022/168.

[5] The prescribed information lodged on 9 May 2023 sought the election of an additional Branch Conference Delegate from the Singleton Teachers Association.

¹ [2022] ROCD 148

[6] As a result of the 9 May 2023 lodgement, Commission staff undertook a review of the previous election request and prescribed information, which had sought the election of 346 Branch Conference Delegates from 164 Associations.² In reviewing that material and the Branch rules, the Commission has identified two errors in the original (September 2022) prescribed information which were carried into the Decision issued on 16 September 2022. The original prescribed information and decision listed seven (7) Branch Conference Delegates for the Campbelltown Teachers Association and one (1) Branch Conference Delegate for the Singleton Teachers Association. According to the formula in the Branch rules, this should instead have been six (6) Branch Conference Delegates from the Campbelltown Teachers Association and two (2) Branch Conference Delegates from the Singleton Teachers Association.

[7] The Branch Rules, in Rule 36(c) as applies to the election of Branch Conference Delegates under Rule 37(4), requires the Returning Officer (in this case the AEC) to declare elected “any eligible person(s) who have nominated” and then to “recall for nominations for any remaining unfilled positions” and then conduct “a further election shall be held for that position”.³

[8] On 16 May 2023, the AEC confirmed that it proposes to shortly commence the process of conducting that ‘recall’ election. It is apparent, from the AEC’s declaration of results in the scheduled election (E2022/168), that among those offices which received insufficient nominations were for the offices of Branch Conference Delegate from the Campbelltown and Singleton Teachers Associations.

[9] I am satisfied that the total number of Branch Conference Delegates to which those two local Teachers Associations should be entitled are: six (6) for the Campbelltown Teachers Association and two (2) for the Singleton Teachers Association. Taking into account the number of nominations accepted for those offices in the scheduled election (i.e. one (1) for Campbelltown and none for Singleton), the number of Branch Conference Delegates for which the AEC calls nominations in the recall election for those two Associations is varied to:

Campbelltown Teachers Association	(5 to be elected)
Singleton Teachers Association	(2 to be elected)

[10] I confirm that elections for any other unfilled offices of Branch Conference Delegate are also still required to be conducted by the AEC.



² See decision [2022] ROCD 148.

³ Rule 36(3)(c) as incorporated by Rule 37(4) in Appendix A Branch Rules for the NSW Teachers Federation Branch, *Registered Rules of the Australian Education Union*, Certified by the General Manager of the Fair Work Commission on 10 March 2023

DELEGATE OF THE GENERAL MANAGER

Printed by authority of the Commonwealth Government Printer

PR755067



New South Wales Teachers Federation

a branch of the Australian Education Union
AEU NSW Teachers Federation Branch ABN 86 600 150 697



8 May 2023

GS0242/2023/MS:md

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

Via email: regorgs@fwc.gov.au

Dear Murray,

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, MAXINE SHARKEY, being the General Secretary of the Australian Education Union NSW Teachers Federation Branch make the following statement:

1. I am authorised to sign this statement containing prescribed information for Australian Education Union NSW Teachers Federation Branch
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 2 months before nominations open for the election(s) in Annexure A.
6. (a) The rule number(s) which specify(s) the formula(s) is/are: Branch Rule 7 (1), (2), (5) and Branch Rule 57 (1)-(5)
(b) The formula(s) is:

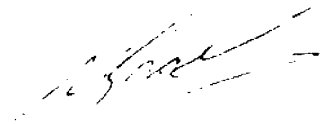
Number of Financial Members	Conference Delegate entitlement
15-250	1
251-500	2
501-750	3
751-1000	4
1001-1300	5
1301-1600	6
1601-1900	7
1901-2200	8
2201-2500	9
2501-2800	10
2801-3100	11

3101-3400	12
3401-3700	13
3701-4000	14

(c) The information for calculating the formula(s) is determined by the Branch Council, being the date to determine the number of financial members of each association and; the authorisation to form new regional associations, the dissolution of regional associations, the amalgamation of a regional association or adjustments to the boundaries of regional associations.

(d) The relevant date(s) for this information is 8 April 2022 and 4 June 2022.

Yours sincerely



Maxine Sharkey
General Secretary

ANNEXURE A

- Elections that are required

Branch	Name of Office	Financial Members	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
NSW	Conference Delegate - Singleton Teachers Association	254	2	Direct voting system	Previous PI dated 8.9.22 had 1 position for Singleton when financial numbers indicated should have been 2	Members of the association

- Important dates:

	Direct Voting System
Nominations OPEN	<i>To be determined by Returning Officer (in accordance with rule 36 (3)(a))</i>
Nominations CLOSE	<i>To be determined by Returning Officer (in accordance with rule 36 (3)(a))</i>
Roll of Voters cut-off date	<i>7 days prior to nominations opening (rule 31.2)</i>

The following decisions were made by the Branch Council on 27 November 2021 and 4 June 2022:

27 November 2021

Report on Planning for Council and Conference Representation 2023-2024

Report received and following Recommendation adopted.

RECOMMENDATION

As required by the rules, Friday 8 April 2022 will be the cut-off date for determining each Associations' financial membership, and therefore councillor and annual conference delegate entitlements.

4 June 2022

Planning for Council and Conference Representation 2023-24

Report received and following recommendation adopted by Council

DECISION

1. The following Association groupings be endorsed; Ardlethan /Narrandera, Barham/Hay, Corowa/ Lockhart, Coolamon/Junee; and Wagga Wagga will now be ungrouped
2. The following readjustments of boundaries of Associations be endorsed; Tooraweenah Public School moved into Coonabarabran-Baradine Association, Lord Howe Island Central Schools is moved into Port Macquarie Association
3. Mungindi Association be amalgamated with Macintyre Association to form Macintyre-Mungindi Teachers Association, as Mungindi Association has less than the required 15 financial members
4. Norfolk Island Association be dissolved, and members assigned to Port Macquarie recognising that the Association now has less than the required 15 financial members
5. Camden-Campbelltown Association is dissolved and reformed as two separate associations – Camden Association and Campbelltown Association
6. All other Associations entitlements are determined in accordance with the formula set out in the table at Branch Rule 11 (2)
7. Annual Conference delegate entitlements be determined in accordance with Branch Rule 7 (2)