

16 October 2023

Rachael Metcalfe Branch Secretary Australian Education Union - Northern Territory Branch Sent via email: admin@aeunt.org.au

cc: Kevin Bates, federalsecretary@aeufederal.org.au

Dear Rachael Metcalfe



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2023/74

An election has recently been completed by the Australian Electoral Commission (AEC) for the Australian Education Union - Northern Territory 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 <u>please see our fact sheet</u>.

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 <u>exemption by the Commission</u> 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 <u>benefits of officer induction</u>. 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 <u>officer induction kit</u> and our <u>podcast</u>, <u>such as episode 17 - conflicts of interest</u>.

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 <u>template</u> to help you with this, which you can send to <u>regorgs@fwc.gov.au</u>. 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 <u>case</u> <u>summary</u>.



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 <u>fact sheet</u> 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 <u>regorgs@fwc.gov.au</u>.

Yours sincerely

Fair Work Commission



The Commission has an interim <u>Compliance Policy</u> 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 nonlodgement of a financial report.

Post-election report

Australian Education Union

Northern Territory Branch Scheduled election E2023/74



Contents

Electio	on(s) Covered in this Report	3
	Matters	
Signe	d	3
Attach	nments	4
	Declaration of results for Uncontested Offices	
В.	Declaration of Results for Contested	4

Election(s) Covered in this Report

Organisation: Northern Territory Branch Election: Scheduled Election Decision No/s: E2023/74

Rules

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

Rules difficult to apply/interpret: No

Model Rule reference (if any): N/A For more details see the Model Rules on the AEC website: <u>www.aec.gov.au/ieb/</u>

Other Matters

Returning Officer actions required (Section 193): Yes

Details: Rules regarding the timetable of the election were set aside as the Prescribed Information was not lodged 2 months before nominations open, therefore the opening date of nominations could not be met.

Signed

Shehan Liyanage Returning Officer Australian Electoral Commission E: IEBevents@aec.gov.au P: 03 9285 7111 13 October 2023

Attachments

- A. Declaration of results for Uncontested Offices
- B. Declaration of Results for Contested Offices

Australian Education Union Northern Territory Branch DECLARATION OF RESULTS - E2023/74

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:

Arnhem Region

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	223
Number of voters issued with voting material	223
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	223
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	9
Number of declaration envelopes rejected at preliminary scrutiny (minus)	1
Number declaration envelopes with missing ballot papers (minus)	1
COUNT	
Total ballot papers admitted to the count	7
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	1
Voting material packs not returned by voters by closing date of the ballot	214
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	4 %

Executive Councillor (1)

Candidates	Final Votes
VRYMOET, Amanda	2
FREMMER, Alessa	5
Total ballot papers admitted for this office	7
Formal Ballot papers	7
Informal Ballot papers	0

I declare the following elected:

• FREMMER, Alessa

Financial Members of NT Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	2,361
Number of voters issued with voting material	2361
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	2361
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	132
Number of declaration envelopes rejected at preliminary scrutiny (minus)	6
Number declaration envelopes with missing ballot papers (minus)	14
COUNT	
Total ballot papers admitted to the count	112
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	71
Voting material packs not returned by voters by closing date of the ballot	2158
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	6 %

Executive Councillor representing Indigenous teachers and Indigenous education workers in schools and educational institutions (1)

<u>Candidates</u>	Final Votes
BLOMELEY, Noel	46
VRYMOET, Amanda	63
Total ballot papers admitted for this office	112
Formal Ballot papers	109
Informal Ballot papers	3

I declare the following elected:

• VRYMOET, Amanda

Shehan Liyanage Returning Officer Telephone: 03 9285 7111 Email: IEBevents@aec.gov.au 12/10/2023



Australian Education Union Northern Territory Branch DECLARATION OF RESULTS - E2023/74 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:

Palmerston and Rural Region

Executive Councillor (3)

Candidates BIERTON Robyn

Darwin Region

Executive Councillor (4)

<u>Candidates</u> CHANMUGAM Trilokesh FITZGERALD Darcy LOANE Candace PARKER Emily

Alice Springs Region

Executive Councillor (2)

<u>Candidates</u> FURNISS Gillian GUEST Kenneth

Katherine Region

Executive Councillor (1)

<u>Candidates</u> No Nominations Received

Barkley Region

Executive Councillor (1)

Candidates BAILEY Nicholas

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

Benjamin Murray Returning Officer Telephone: 03 9285 7111 Email: IEBevents@aec.gov.au 04/09/2023





DECISION

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

Australian Education Union (E2023/74)

MR STEENSON

SYDNEY, 30 JUNE 2023

Arrangement for conduct of election.

[1] On 8 June 2023 the Northern Territory Branch (**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:

Executive Councillors from the following regions:

Palmerston and Rural	(3)
Darwin	(4)
Arnhem	(1)
Alice Springs	(2)
Katherine	(1)
Barkly	(1)

[2] The prescribed information also sought to fill the following office, for the remainder of the term, due to insufficient nominations received in a previous election (E2022/69):

Executive Councillor representing Indigenous Teachers and Indigenous Education Workers in schools and institutions. (1)

[3] Section 189 of the *Fair Work (Registered Organisations) Act 2009* (**RO Act**) requires that prescribed information must be lodged before the 'prescribed day', which is defined by regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* (**RO Regulations**) as two months before the date that nominations are due to open. Section 189(2) is a civil penalty provision. Therefore, non-lodgement and late lodgement can leave an organisation open to civil penalty proceedings.

[4] For the election of Executive Councillors from regions, the Branch lodged the prescribed information late. As the rules governing the Branch, in particular rule 109(a), provide that '[t]he returning officer shall call for nominations no later than 22^{nd} July' in an election year.

The prescribed information should therefore have been lodged before 22 May. In correspondence dated 8 June 2023, the Branch Secretary stated that the delay was due to being a 'new office holder who has only been in this role for just over four months. Upon learning of my oversight, I am lodging this prescribed information immediately.'

[5] I acknowledge the Branch Secretary's candour and her prompt action in seeking to remedy the non-lodgement. While I appreciate that the Branch Secretary is new to that role, the normal and reasonable expectation is that registered organisations and their branches will take steps to ensure that they comply with the timeframe requirements set out not only in the RO Act but also in instruments formulated by the organisations themselves (such as their own rules) as they pertain to their governance, including election timeframes. I have considered the relevant circumstances in relation to this particular late lodgement. I decline on this occasion to allow, under section 189(2) of the Act, a later day for lodgement.

[6] The refusal of an extension of time under section 189(2) of the Act does not, however, affect a determination of an election notification matter for the purposes of section 189(3) of the Act.

[7] 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 RO Act, 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

PR755092

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, RACHAEL METCALFE, being the BRANCH SECRETARY of the NORTHERN TERRITORY BRANCH of the AUSTRALIAN EDUCATION UNION make the following statement:

- I am authorised to sign this statement containing prescribed information for THE NORTHERN TERRITORY BRANCH OF THE AUSTRALIAN EDUCATION UNION.
- 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.

[delete as appropriate]

- 4. [If there is a Casual Vacancy] The resignation letter or other supporting information is attached for each casual vacancy.
- 5. [If there is insufficient nominations]: Insufficient nominations were received in an earlier election(s) and the declaration/s of results is/are attached.
- 6. [If rule alterations are pending that will impact THIS election] A brief outline of the proposed rule alterations affecting this election is attached. These rule alterations [HAVE/HAVE NOT] been lodged with the Fair Work Commission. [If lodged] The proposed alterations were lodged on [DATE]. Or

[If no rule alterations are being considered] No rule alterations are pending that will impact the election.

7. [In relation to scheduled elections, if lodged 2 months prior to nominations opening] This statement IS
lodged at least 2 months before nominations open for the election(s) in Annexure A.
or

[In relation to scheduled elections, if lodged less than 2 months before nominations open] This statement IS NOT lodged at least 2 months before nominations open for the election(s) in Annexure A. The reason it is lodged after the prescribed time is:

- a. I am a new office holder who has only been in this role just over four months. Upon learning of my oversight, I am lodging this prescribed information immediately.
- 8. If the number of elected representatives is calculated on a formula(s) defined in the rules]:
 - a. The rule number(s) which specify(s) the formula(s) is/are 18 a) (vi)
 - b. The formula(s) is 1 : 200

c. The information for calculating the formula(s) is 'Executive Councillors from each Region, elected on a basis of one member for every 200 members or part thereof'

Signed:			
Dated:	7 June	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 - page 1

• Elections that are 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
NT Branch of the Australian	Executive Councillor,		Direct Voting	Scheduled	Palmerston and Rural, Rule 108 d)
Education Union	Palmerston and Rural		System		•
NT Branch of the Australian	Executive Councillor,		Direct Voting	Scheduled	Darwin, Rule 108 d)
Education Union	Darwin		System		
NT Branch of the Australian	Executive Councillor,		Direct Voting	Scheduled	Arnhem, Rule 108 d)
Education Union	Arnhem		System		
NT Branch of the	Executive Councillor,		Direct Voting	Scheduled	Alice Springs, Rule 108 d)
Australian Education Union	Alice Springs		System		
NT Branch of the	Executive Councillor,		Direct Voting	Scheduled	Katherine, Rule 108 d)
Australian Education Union	Katherine		System		
NT Branch of the	Executive Councillor,		Direct Voting	Scheduled	Barkly, Rule 108 d)
Australian Education Union	Barkly		System		
NT Branch of the	Executive Councillor		Direct Voting	Insufficient nominations	All financial members of the branch, Rule 108 e)
Australian Education	representing		System		
Union	Indigenous teachers				
	and Indigenous				
	education workers in				

schools	and		
instituti	ions		

• Important dates:

	Direct Voting System	Collegiate Electoral System	
Nominations OPEN	No later than 22 July 2023, Rule 109 a)		
Nominations CLOSE	5.00pm 21 August 2023, Rule 109 a)		
Roll of Voters cut off date	To be determined by the returning officer		

Blake Stephens

From:	Rachael Metcalfe
Sent:	Thursday, 29 June 2023 10:00 AM
То:	Blake Stephens
Subject:	AEU NT -Your queries re our PI for our forthcoming elections

Importance: High

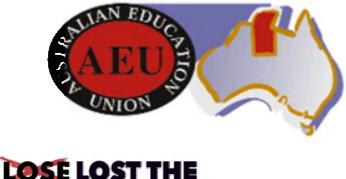
Good Morning Blake,

My apologies in the delay for getting this information to you; as you can see from the following email trail, I checked my interpretation of our rules with our Federal office to ensure I was correct.

Rachael Metcalfe Branch Secretary Australian Education Union NT

www.aeunt.org.au www.facebook/.com/AEUNT

Unit 3, 8 Totem Rd, Coconut Grove NT PO Box 41863, Casuarina NT 0811





CREEP KEPT OUR TEACHERS

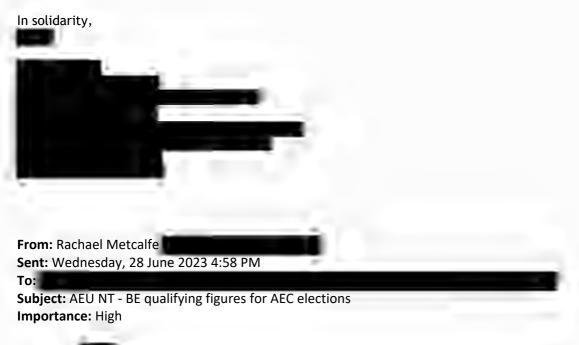
I acknowledge that I work on the traditional lands of the Larrakia people and pay my respects to elders past and present. I extend this respect to the custodians of all traditional lands across the Territory that I have the privilege of visiting.

Sent: Thursday, June 29, 2023 9:10 AM

Subject: RE: AEU NT - BE qualifying figures for AEC elections

HI

That's correct. Consistent with how the 'or part there of' is calculated for Federal Executive and Conference entitlements.



Afternoon

Now moving back on to elections, AEC are checking membership by region to ensure we are electing correct number of BE members, I'd be most appreciative if you would check our interpretation of the rules.

AEU NT Rules, Section B, 18 - Constitution of Branch Executive a) vi) states ' Executive Councillors from each Region, elected on a basis of one member for every 200 or part thereof'



Rachael Metcalfe Branch Secretary Australian Education Union NT

www.aeunt.org.au www.facebook/.com/AEUNT Unit 3, 8 Totem Rd, Coconut Grove NT PO Box 41863, Casuarina NT 0811





I acknowledge that I work on the traditional lands of the Larrakia people and pay my respects to elders past and present. I extend this respect to the custodians of all traditional lands across the Territory that I have the privilege of visiting.

Blake Stephens

From:	Rachael Metcalfe
Sent:	Monday, 26 June 2023 2:41 PM
То:	Blake Stephens
Subject:	AEU NT - your queries re our PI for forthcoming elections

Good Afternoon Blake,

Thanks for your email. I can confirm there have been no rule changes since our last election and no pending rule changes which may affect these elections. We will send through the membership numbers per region as soon as we can.

Many thanks,

Rachael Metcalfe Branch Secretary Australian Education Union NT

www.aeunt.org.au www.facebook/.com/AEUNT

Unit 3, 8 Totem Rd, Coconut Grove NT PO Box 41863, Casuarina NT 0811



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Blake Stephens

From:Rachael MetcalfeSent:Thursday, 29 June 2023 12:56 PMTo:Blake StephensSubject:RE: AEU NT -Your queries re our PI for our forthcoming elections

OFFICIAL

Good Afternoon Blake,

I confirm that these changes are correct.

Rachael Metcalfe Branch Secretary Australian Education Union NT

www.aeunt.org.au www.facebook/.com/AEUNT

Unit 3, 8 Totem Rd, Coconut Grove NT PO Box 41863, Casuarina NT 0811





CREEP KEPT OUR TEACHERS

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From: Blake Stephens Sent: Thursday, June 29, 2023 10:06 AM To: Rachael Metcalfe Subject: RE: AEU NT -Your queries re our PI for our forthcoming elections

OFFICIAL

Hi Rachel,

Thank you for clarifying the membership numbers for calculating the number of Executive Councillors. I've added these figures to the Prescribed Information lodged, and made the requisite adjustment to the number of Executive Councillors to be elected, now totalling 12.

If you could please confirm that these changes are correct, that would be great. I'll process the election as soon as I hear confirmation from you.

Regards,

Blake Stephens

Senior Advisor



Level 11, Terrace Tower, 80 Williams Street, East Sydney, NSW, 2010 PO Box 1994, Melbourne, Vic, 3001

1...1

The Fair Work Commission acknowledges that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander people. We acknowledge their continuing connection to country and pay our respects to their Elders past, present and emerging.

This email was sent from Gadigal Country, Eora Nation

From: Rachael Metcalfe Sent: Thursday, June 29, 2023 10:00 AM To: Blake Stephens Subject: AEU NT -Your queries re our PI for our forthcoming elections Importance: High

Good Morning Blake,

My apologies in the delay for getting this information to you; as you can see from the following email trail, I checked my interpretation of our rules with our Federal office to ensure I was correct.

Rachael Metcalfe Branch Secretary Australian Education Union NT

www.aeunt.org.au www.facebook/.com/AEUNT

Unit 3, 8 Totem Rd, Coconut Grove NT PO Box 41863, Casuarina NT 0811





KEPT OUR TEACHERS

I acknowledge that I work on the traditional lands of the Larrakia people and pay my respects to elders past and present. I extend this respect to the custodians of all traditional lands across the Territory that I have the privilege of visiting.

The information contained in this message and any attachments may be confidential information and may be subject to legal privilege, public interest or legal professional privilege. If you are not the intended recipient, any use, disclosure or copying of this message or any attachments is unauthorised. If you have received this document in error, please advise the sender. Views expressed herein are the sender's and not those of the Australian Education Union - Northern Territory Branch unless specifically stated. No representation or warranty is given that attached files are free of viruses or other defects. The recipient assumes all responsibility for any loss or damage resulting directly or indirectly from the use of any attached files.

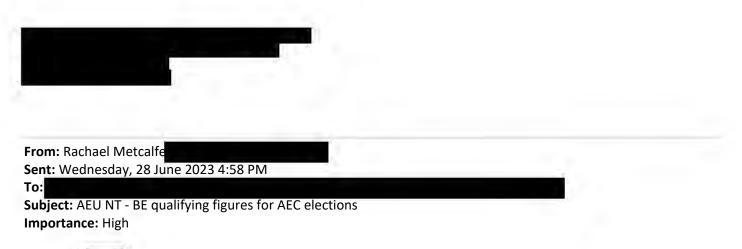
From: Sent: Thursday, June 29, 2023 9:10 AM To: Subject: RE: AEU NT - BE qualifying figures for AEC elections

HI Rachael,

That's correct. Consistent with how the 'or part there of' is calculated for Federal Executive and Conference entitlements.

In solidarity,



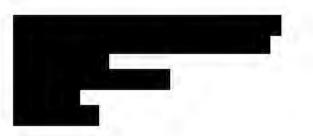




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AEU NT Rules, Section B, 18 - Constitution of Branch Executive a) vi) states ' Executive Councillors from each Region, elected on a basis of one member for every 200 or part thereof'

Our member numbers are by region:



Many thanks,

Rachael Metcalfe Branch Secretary Australian Education Union NT

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

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- 3. The elections that are required are set out in the table in Annexure A.

[delete as appropriate]

- 4. [If there is a Casual Vacancy] The resignation letter or other supporting information is attached for each casual vacancy.
- 5. [If there is insufficient nominations]: Insufficient nominations were received in an earlier election(s) and the declaration/s of results is/are attached.
- 6. [If rule alterations are pending that will impact THIS election] A brief outline of the proposed rule alterations affecting this election is attached. These rule alterations [HAVE/HAVE NOT] been lodged with the Fair Work Commission. [If lodged] The proposed alterations were lodged on [DATE]. Or

[If no rule alterations are being considered] No rule alterations are pending that will impact the election.

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lodged at least 2 months before nominations open for the election(s) in Annexure A.
or

[In relation to scheduled elections, if lodged less than 2 months before nominations open] This statement IS NOT lodged at least 2 months before nominations open for the election(s) in Annexure A. The reason it is lodged after the prescribed time is:

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 - b. The formula(s) is 1 : 200

c. The information for calculating the formula(s) is 'Executive Councillors from each Region, elected on a basis of one member for every 200 members or part thereof'

Signed:	
Dated: 7 June	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 - page 1

• Elections that are 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
NT Branch of the Australian	Executive Councillor,		Direct Voting	Scheduled	Palmerston and Rural, Rule 108 d)
Education Union	Palmerston and Rural		System		
NT Branch of the Australian	Executive Councillor,		Direct Voting	Scheduled	Darwin, Rule 108 d)
Education Union	Darwin		System		
NT Branch of the Australian	Executive Councillor,	• •• •••	Direct Voting	Scheduled	Arnhem, Rule 108 d)
Education Union	Arnhem		System		
NT Branch of the	Executive Councillor,		Direct Voting	Scheduled	Alice Springs, Rule 108 d)
Australian Education Union	Alice Springs		System		
NT Branch of the	Executive Councillor,	· · · ·	Direct Voting	Scheduled	Katherine, Rule 108 d)
Australian Education Union	Katherine		System		
NT Branch of the	Executive Councillor,		Direct Voting	Şcheduled	Barkly, Rule 108 d)
Australian Education Union	Barkly		System		
NT Branch of the	Executive Councillor	· · · · · · · · · · · · · · · · · · ·	Direct Voting	Insufficient nominations	All financial members of the branch, Rule 108 e)
Australian Education	representing		System		
Union	Indigenous teachers				
	and Indigenous				
	education workers in				

schools	and		
instituti	ions		

• Important dates:

	Direct Voting System	Collegiate Electoral System	
Nominations OPEN	No later than 22 July 2023, Rule 109 a)		
Nominations CLOSE	5.00pm 21 August 2023, Rule 109 a)		
Roll of Voters cut off date	To be determined by the returning officer		