

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

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**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)**

Candidates

CHANMUGAM Trilokesh

FITZGERALD Darcy

LOANE Candace

PARKER Emily

**Alice Springs Region**

**Executive Councillor (2)**

Candidates

FURNISS Gillian

GUEST Kenneth

**Katherine Region**

**Executive Councillor (1)**

Candidates

*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<sup>nd</sup> 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 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 D F N Q R Z O H G J H W K H % U D Q F KerGrbFmptHAWD Un\speking Do Q G R X U  
remedy the nonlodgementWhile I appreciate that the Branch Secretary is new to thatrole  
normal and reasonable expectationsthat registered organisationsand their branches willtake  
steps to ensure thatthey comply with the time requirements set out not only in the  
Act but also in instruments formulated by the organisations themselves (such as their own rules)  
as they pertain to their governance, including election frames I have considered the  
relevant circumstances in relation to this particular late lodgementI 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 Act, I am making arrangements for the conduct of the election by the Australian Electoral Commission.

DELEGATE OF THE GENERAL MANAGER

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PR755092







	schools and institutions				
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- Important dates:

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

## Blake Stephens

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**From:** Rachael Metcalfe [REDACTED]  
**Sent:** Thursday, 29 June 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

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



~~LOSE~~ ~~LOST~~ ~~THE~~  
**FREEZE**  
~~KEEP~~ ~~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.*

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## Blake Stephens

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**From:** Rachael Metcalfe [REDACTED]  
**Sent:** Monday, 26 June 2023 2:41 PM  
**To:** 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

[REDACTED]  
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## Blake Stephens

---

**From:** Rachael Metcalfe [REDACTED]  
**Sent:** Thursday, 29 June 2023 12:56 PM  
**To:** Blake Stephens  
**Subject:** 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

[REDACTED]  
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**From:** Blake Stephens [REDACTED]  
**Sent:** Thursday, June 29, 2023 10:06 AM  
**To:** Rachael Metcalfe [REDACTED]  
**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**

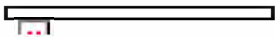
Senior Advisor



**Fair Work Commission**  
Australia's national workplace relations tribunal

[REDACTED]  
[REDACTED]

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



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 [REDACTED]  
**Sent:** Thursday, June 29, 2023 10:00 AM  
**To:** Blake Stephens [REDACTED]  
**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

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**From:** [REDACTED]  
**Sent:** Thursday, June 29, 2023 9:10 AM  
**To:** [REDACTED]  
**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,  
[REDACTED]

[REDACTED]

[Redacted]

---

**From:** Rachael Metcalfe [Redacted]  
**Sent:** Wednesday, 28 June 2023 4:58 PM  
**To:** [Redacted]  
**Subject:** AEU NT - BE qualifying figures for AEC elections  
**Importance:** High

Afternoon [Redacted]

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'

Our member numbers are by region:

[Redacted]

Many thanks,

**Rachael Metcalfe**  
Branch Secretary  
Australian Education Union NT

[Redacted]  
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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*

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

1. I am authorised to sign this statement containing prescribed information for THE NORTHERN TERRITORY 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.

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

	schools and institutions				
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- Important dates:

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