



31 January 2024

Kevin Bates  
Federal Secretary  
Australian Education Union  
Sent via email: [federalsecretary@aeufederal.org.au](mailto:federalsecretary@aeufederal.org.au)

Dear Kevin Bates



**IMMEDIATE ACTION REQUIRED:**

**You must take steps after your recent election E2023/144**

An election has recently been completed by the Australian Electoral Commission (AEC) for the Australian Education Union 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](mailto: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](mailto: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](mailto: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.

31 January 2024

# Post-election report

Australian Education Union  
Scheduled Election  
E2023/144

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# Election(s) Covered in Post-Election Report (PER)

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Organisation: Australian Education Union  
Election Decision No: E2023/144  
Election: Scheduled

Date Nominations closed: Uncontested 30/11/2023  
Date ballot closed: Contested 29/01/2024

Date results declared: Uncontested 14/12/2023  
Contested 29/01/2024

Date PER due: 28/02/2024

## Relevant legal provisions

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*Fair Work (Registered Organisations) Act 2009* ('the Act')

### **197 Post-election report by AEC**

#### *Requirement for AEC to make report*

- (1) After the completion of an election conducted under this Part by the AEC, the AEC must give a written report on the conduct of the election to:
  - (a) the General Manager; and
  - (b) the organisation or branch for whom the election was conducted.

Note: The AEC may be able, in the same report, to report on more than one election it has conducted for an organisation. However, regulations made under paragraph 359(2)(c) may impose requirements about the manner and timing of reports.

- (2) The report must include details of the prescribed matters.

#### *Contents of report—register of members*

- (3) If the AEC is of the opinion that the register of members, or the part of the register, made available to the AEC for the purposes of the election contained, at the time of the election:
  - (a) an unusually large proportion of members' addresses that were not current; or
  - (b) in the case of a register kept by an organisation of employees—an unusually large proportion of members' addresses that were workplace addresses;

this fact must be included in the report, together with a reference to any relevant model rules which, in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: Model rules are relevant only to the conduct of elections for office, not for elections for other positions (see section 147).

#### *Contents of report—difficult rules*

- (4) If the report identifies a rule of the organisation or branch that, in the AEC's opinion, was difficult to interpret or apply in relation to the conduct of the election, the report must also refer to any relevant model rules, which in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: For model rules, see section 147.

*Subsection (3) relevant only for postal ballots*

- (5) Subsection (3) applies only in relation to elections conducted by postal ballot.

Note: An organisation can obtain an exemption from the requirement to hold elections for office by postal ballot (see section 144).

## **190 Organisation or branch must not assist one candidate over another**

An organisation or branch commits an offence if it uses, or allows to be used, its property or resources to help a candidate against another candidate in an election under this Part for an office or other position.

Penalty: 100 penalty units.

## **193 Provisions applicable to elections conducted by AEC**

- (1) If an electoral official is conducting an election, or taking a step in relation to an election, for an office or other position in an organisation, or branch of an organisation, the electoral official:
- (a) subject to paragraph (b), must comply with the rules of the organisation or branch; and
  - (b) may, in spite of anything in the rules of the organisation or branch, take such action, and give such directions, as the electoral official considers necessary:
    - (i) to ensure that no irregularities occur in or in relation to the election; or
    - (ii) to remedy any procedural defects that appear to the electoral official to exist in the rules; or
    - (iii) to ensure the security of ballot papers and envelopes that are for use, or used, in the election.
- (2) A person commits an offence if the person does not comply with a direction under subsection (1).
- Penalty: 30 penalty units.
- (3) Subsection (2) does not apply so far as the person is not capable of complying.
- Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).
- (4) Subsection (2) does not apply if the person has a reasonable excuse.
- Note: A defendant bears an evidential burden in relation to the matter mentioned in subsection (4), see subsection 13.3(3) of the *Criminal Code*.
- (5) An offence against subsection (2) is an offence of strict liability.
- Note: For *strict liability*, see section 6.1 of the *Criminal Code*.
- (6) An election for an office or other position conducted by an electoral official, or step taken in relation to such an election, is not invalid merely because of a breach of the rules of the organisation or branch because of:
- (a) action taken under subsection (1); or
  - (b) an act done in compliance with a direction under subsection (1).
- (7) If an electoral official conducting, or taking a step in connection with, an election for an office or other position:
- (a) dies or becomes unable to complete the conduct of the election or the taking of the step; or
  - (b) ceases to be qualified to conduct the election or to take the step;
- the Electoral Commissioner must arrange for the completion of the conduct of the election, or the taking of the step, by another electoral official.

## **6 Definitions**

*irregularity*, in relation to an election or ballot, includes:



- (a) a breach of the rules of an organisation or branch of an organisation; and
- (b) an act or omission by means of which:
  - (i) the full and free recording of votes by all persons entitled to record votes and by no other persons; or
  - (ii) a correct ascertainment or declaration of the results of the voting;
 is, or is attempted to be, prevented or hindered; and
- (c) a contravention of section 190.

## *Fair Work (Registered Organisations) Regulations 2009* ('the Regulations')

### **140 Declaration of result of election (s 193)**

- (1) Within 14 days after the closing day of an election, the AEC must issue a declaration stating the following:
  - (a) the total number of persons on the roll of voters;
  - (b) the total number of ballot papers issued (if applicable);
  - (c) the total number of envelopes that were returned undelivered by the closing day of the ballot to the AEC (if applicable);
  - (d) the total number of ballot papers received by the electoral official by the closing day of the ballot (if applicable);
  - (e) the result of the election;
  - (f) the total number of informal ballot papers (if applicable).
- (2) In subregulation (1), ***closing day***, for an election, means:
  - (a) if a ballot is not required—the day on which nominations for the election close; or
  - (b) if a ballot is required—the closing day of the ballot.
- (3) Immediately after issuing a declaration under subregulation (1), the AEC must give a copy of the declaration to:
  - (a) the General Manager; and
  - (b) the organisation or branch for whom the election was conducted.

### **141 Post-election report by AEC (s 197(2))**

- (1) For subsection 197(2) of the Act, the following matters are prescribed for inclusion in the report (the ***post-election report***) given under subsection 197(1) of the Act:
  - (a) the declaration mentioned in regulation 140;
  - (b) any rules of the organisation or branch which because of ambiguity or other reason, were difficult to interpret or apply;
  - (c) any matters in relation to the roll of voters including those matters contained in subsection 197(3) of the Act;
  - (d) the number of written allegations (if any) of irregularities made to the AEC during the election;
  - (e) action taken by the AEC in relation to those allegations;
  - (f) any other irregularities identified by the AEC and action taken by the AEC in relation to those other irregularities.
- (2) The AEC must:
  - (a) give the post-election report within 30 days after the closing day of the election; and
  - (b) publish a notice on its web site advising that a copy of the post-election report can be obtained from the AEC on the request of a member who was eligible to vote in the election.
- (3) The AEC must supply a copy of the post-election report to the member as soon as practicable, but no later than 7 days, after receiving a request under paragraph (2)(b).

### **145 Elections conducted by AEC—no unauthorised action**

- (1) For any election conducted by the AEC under Part 2 of Chapter 7 of the Act, a person other than the person conducting the election must not do, or purport to do, any act in the conduct of the election other than as directed or authorised by the person conducting the election.

Note: This subregulation is a civil penalty provision (see regulation 168).

- (2) The AEC must advise the General Manager of a possible contravention of subregulation (1) not later than 21 days after the AEC has become aware of the possible contravention.

## Declaration of result of election

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In accordance with reg 140 of the Regulations, the AEC issued a declaration of the result of election E2023/144 on 14 December 2023 for uncontested offices, and 29 January 2024 for contested offices. For a copy, see **Attachment A** and **Attachment B**.

## Australian Education Union Rules

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Australian Education Union Rules used for the election:

- 284V: Incorporates alterations of 9 August 2023 [R2023/54] (replaces rulebook dated 6 June 2023 [R2023/14])

## Roll of Voters

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Not applicable.

## Written allegations of any irregularities

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Not applicable.

## Other irregularities

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Not applicable.

## Signed

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Ann Dougan  
Returning Officer  
Australian Electoral Commission  
E: [IEBevents@aec.gov.au](mailto:IEBevents@aec.gov.au)  
P: 03 9285 7111  
31 January 2024

## Attachments

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A. Declaration of Results (Uncontested)

B. Declaration of Results (Contested)

**Australian Education Union**  
**DECLARATION OF RESULTS - E2023/144**  
**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:

**Federal Conference**

**Federal President (1)**

Candidates

HAYTHORPE Correna

**Deputy Federal President (1)**

Candidates

PEACE Meredith

**Member of the International Trust Fund Committee (6)**

Candidates

BURROUGHS Angela

BYRNE Pat

GENFORD David

OLSSON Leah

PEACE Meredith

RAJENDRA Henry

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

Ann Dougan  
Returning Officer  
Telephone: 03 9285 7111  
Email: [IEBevents@aec.gov.au](mailto:IEBevents@aec.gov.au)  
14/12/2023



**Australian Education Union**  
**DECLARATION OF RESULTS - E2023/144**  
**Contested 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:

**National TAFE Council**

<b>VOTING MATERIAL ISSUED</b>	
Total number of people on the roll of voters (a)	26
Number of voters issued with voting material	26
Total number of voters issued with replacement voting material	1
<b>Total number of voting material packs issued</b>	<b>27</b>
<b>VOTING MATERIAL RETURNED</b>	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	25
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers returned outside declaration envelopes (minus)	0
<b>COUNT</b>	
Total ballot papers admitted to the count	25
<b>LATE OR UNRETURNED VOTING MATERIAL</b>	
Voting material returned as unclaimed mail by closing date of ballot	0
Voting material packs not returned by voters by closing date of the ballot	2
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	96 %

**Federal TAFE President (1)**

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
PURDY, Michelle	14	14
HEDGER, Gary	11	11

<b>Total ballot papers admitted for this office</b>	<b>25</b>
Formal Ballot papers	25
Informal Ballot papers	0

I declare the following elected:

- PURDY, Michelle

## Federal TAFE Secretary (1)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
DEAN, Angela	19	19
TERAUDS, David	6	6

<b>Total ballot papers admitted for this office</b>	<b>25</b>
Formal Ballot papers	25
Informal Ballot papers	0

I declare the following elected:

- DEAN, Angela

Ann Dougan  
Returning Officer  
Telephone: 03 9285 7111  
Email: IEBevents@aec.gov.au  
29/01/2024





## DECISION

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

**Australian Education Union**  
(E2023/144)

MR STEENSON

SYDNEY, 7 SEPTEMBER 2023

*Arrangement for conduct of election.*

[1] On 15 August 2023, the Australian Education Union (organisation) lodged with the Fair Work Commission (Commission) prescribed information for an election to fill the following offices for a new term of office:

Federal President	(1)
Deputy Federal President	(1)
Federal TAFE President	(1)
Federal TAFE Secretary	(1)

[2] In addition, the prescribed information also requested an election under section 187 of the *Fair Work (Registered Organisations) Act 2009* (the Act) for the following non-office positions for a new term:

Member of the International Trust Fund Committee	(6)
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[3] It is noted that the International Trust Fund Committee Members have previously been included in the organisation's prescribed information as offices. On 16 and 21 August 2023, the Federal Secretary of the organisation advised Commission staff that the previous inclusion of these Committee members as offices was in error, and that a recent detailed internal review of the organisation's rules had led the organisation to determine that the Committee members are, in fact, non-office positions.

[4] The organisation noted that Federal rule 67(7) of its rules outlines the powers of the Committee and observed that the rules provide a very specific and limited role for the Committee members. The rules indicate that the powers of the Committee are confined to the governance of the International Trust Fund, which operates separately.

[5] The Commission has reviewed the organisation's rules in light of the assessment made by the organisation, and I agree with the organisation's conclusion that International Trust Fund Committee members are non-office positions.

[6] I am satisfied that an election for the abovenamed **offices and non-office positions** 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

Printed by authority of the Commonwealth Government Printer

PR755135





# *Australian Education Union*

## *Federal Office*

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15 August 2023

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

Email: [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au)

Dear Mr Furlong,

**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, Kevin Bates being the Federal Secretary of the Australian Education Union make the following statement:

1. I am authorised to sign this prescribed information in relation to elections which are required to be held for the undermentioned offices in this Union (Annexure A – Federal Officers and members of the International Trust Fund Committee).
2. I confirm that the following information is being lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009.
3. The elections that are required are set out in the table in Annexure A. The voting system shall be a collegiate electorate system in all cases.
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 required elections.

6. **Relevant Dates**

Rules 37, 38 and 39 specify the dates and times for the holding of the election of the Federal Officers and, by virtue of Rule 67 (5) (a) and (b), the International Trust Fund Committee.

Rules 56 and 57 specify the times and procedures in relation to the election of the Federal TAFE Officers. The National TAFE Council has made no Rules which differ from the provisions of Rules 38 and 39.

Rule 38 establishes the timetable for the elections, namely that nominations open no later than 15 November 2023 and close by 5.00pm on 30 November 2023.

Rule 39 sets out the procedures to be followed in relation to the election.

7. Federal Rule 30 (4) states that the roll of voters is to be closed seven days before the day on which nominations open.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'KB', with a stylized flourish at the end.

Kevin Bates  
AEU Federal Secretary

## ANNEXURE A - Elections that are required for Federal Officers and International Trust Fund

NAME OF OFFICE	TERM OF OFFICE	NUMBER REQUIRED	VOTING SYSTEM	REASON FOR ELECTION	ELECTORATE
<b><u>A</u> OFFICER ELECTIONS</b>					
Federal President	1 February 2024 – 31 January 2026	1	Collegiate	Scheduled – The current term of office expires on 31 January 2024	Federal Conference Delegates elected for the term 2024-2025 in elections currently being held and includes incumbent Officers occupying the positions of Federal President, Deputy Federal President, Federal Secretary and Deputy Federal Secretary.
Deputy Federal President	1 February 2024 – 31 January 2026	1	Collegiate	Scheduled – The current term of office expires on 31 January 2024	Federal Conference Delegates elected for the term 2024-2025 in elections currently being held and includes incumbent Officers occupying the positions of Federal President, Deputy Federal President, Federal Secretary and Deputy Federal Secretary
Federal TAFE President	1 February 2024 – 31 January 2026	1	Collegiate	Scheduled – The current term of office expires on 31 January 2024	The National TAFE Council elected for the term 2024-2025 in elections currently being held including the incumbent officers occupying the positions of Federal TAFE President and Federal TAFE Secretary
Federal TAFE Secretary	1 February 2024 – 31 January 2028	1	Collegiate	Scheduled – The current term of office expires on 31 January 2024	The National TAFE Council elected for the term 2024-2025 in elections currently being held including the incumbent officers occupying the positions of Federal TAFE President and Federal TAFE Secretary
<b><u>B</u> NON OFFICE ELECTIONS</b>					
Six (6) members of the International Trust Fund Committee	1 February 2024 – 31 January 2026	6	Collegiate	Scheduled – The current term of office expires on 31 January 2024	Federal Conference Delegates elected for the term 2024-2025 in elections currently being held and includes incumbent Officers occupying the positions of President, Deputy Federal President, Federal Secretary and Deputy Federal Secretary

Important dates:

	<b>Direct Voting System</b>	<b>Collegiate Electoral System</b>
<b>Nominations OPEN</b>		Rule 38: no later than 15 November 2023
<b>Nominations CLOSE</b>		Rule 38: by 5.00pm on 30 November 2023
<b>Roll of Voters cut off date</b>		7 days prior to nominations opening (Federal rule 30 (4))



# *Australian Education Union*

## *Federal Office*

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15 August 2023

Electoral Commissioner

Via Email [IEBevents@aec.gov.au](mailto:IEBevents@aec.gov.au)

Dear Electoral Commissioner

I, KEVIN BATES, am writing to request, pursuant to subsection 187(1) of the *Fair Work (Registered Organisations) Act 2009*, that the Australian Electoral Commission conduct an election for those positions listed at **B** in the table Annexure A which are not offices, but which require an election under the rules of our organisation.

I confirm I am an officer of the AUSTRALIAN EDUCATION UNION who is authorised by the Committee of Management to sign this request.

Yours sincerely,

A handwritten signature in black ink, appearing to be "KB", written over a horizontal line.

Kevin Bates  
AEU Federal Secretary