



30 January 2019

Ms Susan Hopgood
Federal Secretary
Australian Education Union
shopgood@aeufederal.org.au

Dear Ms Hopgood,

cc: South Australian Branch, lyork@aeusa.asn.au

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of contested offices for South Australian Branch [E2018/195]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must, as soon as practicable after receiving the post-election report, publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

Holders of office required to undertake approved training

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which are provided for in the RO Act.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Australian Education Union must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.

2. Person(s) who have commenced to hold office:
 - the name of the office now held;
 - the date of the change of office holder;
 - the name of the person now holding the office;
 - the postal address of the person (generally the postal address of the organisation); and

- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

Christine Hibberd
Registered Organisations Commission

23 January 2019

Post-election report

Australian Education Union
Casual Vacancy Election
E2018/195

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Election(s) Covered in this Report

Organisation: AEU - South Australian Branch
Election: Casual Vacancy
Election Decision No/s: E2018/195

Rules

Rules used for the election: 284V: Incorporates alterations of 20 June 2018 [R2018/117]

52 - Elections by a Secret Postal Ballot

(9) The method of voting and of counting votes in an election conducted by secret postal ballot shall be that set out in sections 45 and 48 of the South Australian Local Government (Elections) Act 1999.

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website:

(https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

Roll of Voters

Total number of voters on the Roll: 12,861

Number of apparent workplace addresses: 63

Number of non-current addresses: 83

Other matters pertaining to the roll of voters: None

Irregularities

Details of written allegations of irregularities, and action taken by AEC:

The nominations and ballot period for the AEU E2018/195 Casual Vacancy Election was required to be extended due to the advertisement of the election not being placed on the AEU website on the date required.

Other irregularities identified, and action taken: Nil

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

The nominations and ballot period for the AEU E2018/195 Casual Vacancy Election was required to be extended due to the advertisement of the election not being placed on the AEU website on the date required.

Timetable was amended with new nominations period commencing Friday 23 November 2018. The amended election notice displayed on the AEU website.

Signed



Murray Hutchinson
Returning Officer
Australian Electoral Commission
E: saelections@aec.gov.au
P: 08 8237 6555
23 January 2019

Attachments

A. Declaration of Results for contested Offices – SA

Australian Education Union
South Australian Branch
DECLARATION OF RESULTS - E2018/195
Contested Offices

Casual Vacancy Election

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

South Australian Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	12,861
Number of voters issued with voting material	12,861
Total number of voters issued with replacement voting material	2
Total number of voting material packs issued	12,863
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	904
Number of declaration envelopes rejected at preliminary scrutiny (minus)	14
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	890
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	83
Voting material packs not returned by voters by closing date of the ballot	11,876
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	7 %

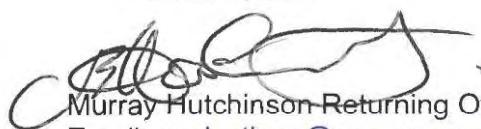
Federal Conference Delegate representing the General Division (1)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
COFFEY, Matthew	289	359
BENNETT, Sarah	408	517
MARLOW, Marika	188	

Total ballot papers admitted for this office	890
Formal Ballot papers	885
Informal Ballot papers	5

I declare the following elected:

- BENNETT, Sarah



Murray Hutchinson - Returning Officer
 Email: saelections@aec.gov.au Phone 08 8237 6555
 21/01/2019



DECISION

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

Australian Education Union
(E2018/195)

MR ENRIGHT

MELBOURNE, 25 SEPTEMBER 2018

Arrangement for conduct of election.

[1] On 20 August 2018 the Australian Education Union (the Union) lodged with the Registered Organisations Commission (the Commission) prescribed information for an election to fill the following offices:

Queensland Branch

Federal Conference Delegate representing the General Division

South Australian Branch

Federal Conference Delegate representing the General Division

[2] The prescribed information states that the election is due to increases in entitlements of the Union's Queensland and South Australian Branches to Federal Conference Delegates:

[3] The Union previously lodged prescribed information for various offices, including Federal Conference Delegates representing the General Division from the Queensland and South Australian Branches on 6 April 2017. On 12 April 2017 I made arrangements for the election of these and other offices in E2017/55.

[4] Federal Rule 24(2) provides that 'each Division in a Branch shall be entitled to one delegate for each 2,500 members assigned to each Division in the Branch or part thereof' as at 30 June of the relevant year. Federal Rule 24(3A) sets out a table that specifies the numbers.

[5] Federal Rule 24(7) further provides that '[i]n the event that there is....an increase in the Branch's entitlement to Federal Delegates...the increased entitlement shall be filled

- (i) where the Federal Branch Rules provide for the election of alternate Federal Delegates - by the Branch Returning Officer declaring elected the alternate Federal Delegate from the relevant Division who received the highest number

of votes before the allocation of preferences or where no election was held by determining by lot the successful candidate, or

- (ii) where the Federal Branch Rules make no provision for the election of alternate Federal Delegates – by conducting an election to fill...the increased entitlement.

[6] The Union provided the Commission with membership figures for the South Australian and Queensland Branches in support of its claim that both Branches are entitled to one additional Federal Conference Delegate representing the General Division. I accept that the increased membership numbers provided by the Union warrant the additional Federal Conference Delegates as outlined in the prescribed information.

[7] I am satisfied that the Federal Branch Rules make no provision for the election of alternate Federal Delegates, therefore it is appropriate to conduct an election to fill the increased entitlements.

[8] 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 *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE COMMISSIONER

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Australian Education Union

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20 August 2018

Mr Mark Bielecki
Registered Organisations Commissioner
Registered Organisations Commission
GPO Box 1994
Melbourne VIC 3001

Email: regorgs@roc.gov.au

Statement: Prescribed Information for Elections: Section 189 of the Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009

Dear Commissioner Bielecki,

I, Susan Hopgood, being the Federal Secretary of the Australian Education Union make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Federal Branch of the AEU.
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. This statement is lodged at least 2 months before nominations open for the election below.

Yours sincerely,

A handwritten signature in blue ink that reads 'S Hopgood'.

Susan Hopgood
Federal Secretary

ANNEXURE A - ELECTIONS THAT ARE REQUIRED

BRANCH	NAME OF OFFICE	NUMBER REQUIRED	VOTING SYSTEM	REASON FOR ELECTION	ELECTORATE
QLD	Federal Conference Delegate representing the General Division.	One	Direct voting system	An increase in the Branch's General Division membership at 30 June 2018 to 40,629 gives the Branch an entitlement of 17 General Division Federal Delegates (the Branch currently has an entitlement to 16). (Federal Rule 24 (7))	All General Division members of the QLD Branch
SA	Federal Conference Delegates representing the General Division.	One	Direct voting system.	An increase in the Branch's General Division membership at 30 June 2018 to 12,693 gives the Branch an entitlement of 6 General Division Federal Delegates (the Branch currently has an entitlement to 5).	All General Division members of the SA Branch

	Direct Voting System
Nominations OPEN	to be determined by the returning officer
Nominations CLOSE	to be determined by the returning officer
Roll of Voters cut-off date	7 days prior to nominations opening (Federal Rule 30(4))