

**Post Election Report For:**

**Election E2010/2647**

**Australian Education Union West Australian Branch**

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to the Industrial Registrar and to the organisation or branch for which the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of Schedule 1 requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the Fair Work (ROA) Regulations requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Chris Gerginis  
Returning Officer  
29 November 2010

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**Fair Work (Registered Organisations) Act 2009 – Schedule 1**

**POST ELECTION REPORT**

**ELECTION COVERED IN THIS REPORT**

Election Decision No: 2010/2647

**RULES**

Rules used for the election: [284V: Incorporates alterations of  
02/10/2009 - R2009/10057]  
(replaces 08/09/2009 version)

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

**ROLL OF VOTERS**

The roll of voters was requested by the Returning Officer and prepared by the Australian Education Union West Australian Branch, and held by the AEC. As there were no contested offices, the roll of voters was not utilised.

**IRREGULARITIES**

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

Other irregularities identified, and action taken: NIL

**ATTACHMENTS**

The Uncontested Declaration is attached.

Chris Gerginis  
Returning Officer  
29 November 2010

**Australian Education Union  
National TAFE Council Delegate E2010/2647**

**DECLARATION OF RESULTS FOR CONTESTED OFFICES**

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2010/2647

**The Australian Education Union Western Australian (WA) Branch**

Total number of persons on the roll of voters	1034
Ballot papers issued	1034
Duplicate ballot papers issued	0
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>1034</b>
Ballot papers / envelopes returned for scrutiny	243
Less ballot papers / envelopes rejected at preliminary scrutiny	4
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>239</b>
Percentage of ballot papers returned to number issued	23%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	791

**National TAFE Council Delegate**

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
SCOTT, Vivienne	166	166
JAQUES, Natalie	72	72
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	238	238
Formal ballot papers	238	238
Informal ballot papers	1	1

I declare Vivienne Scott elected.

Chris Gerginis  
Returning Officer  
Australian Electoral Commission

## **ELLIOTT, Mark**

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**From:** industrial.elections@fwa.gov.au  
**Sent:** Tuesday, 30 November 2010 9:10 AM  
**To:** ELLIOTT, Mark  
**Subject:** FW: AEU Election E2010/2647 - Post Election Report and Declaration [SEC=UNCLASSIFIED]  
**Attachments:** E2010-2647 Declaration Report.rtf; E2010-2563 Post Election Report.doc

**UNCLASSIFIED**

Please find attached the AEU Election E2010/2647 - Post Election Report and Declaration.

**Regards,**

**Simon**

**Simon Bulloch | Manager Election Services**

State Office | Western Australia

Australian Electoral Commission

T: 08 6363 8011 | M: 0413 006 210 | F: 08 6363 8052

**UNCLASSIFIED**

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If you have received this transmission in error please notify us immediately by return email and delete all copies. If this email or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the email or attachments.

Mr Brian Henderson  
Branch Secretary  
Australian Education Union  
PO Box 363  
ABBOTSFORD VIC 3067

**Post Election Report For: Australian Education Union  
Election E2010/2647**

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to Fair Work Australia and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of Schedule 1 requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

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Further, Regulation 141(4) of the Fair Work (Registered Organisations) Act 2009 requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Phoebe Chamberlain  
Returning Officer

20 October 2010

Fair Work (Registered Organisations) Act 2009

**POST ELECTION REPORT**

**Australian Education Union**

**ELECTION/S COVERED IN THIS REPORT**

Election Decision No/s: E2010/2647

**RULES**

Rules used for the election: [284V: Incorporates alterations of 02/10/2009 - R2009/10057] (replaces 08/09/2009 version)  
Rules difficult to apply/interpret: None  
Model Rule reference (if any): N/A

**ROLL OF VOTERS**

Total number of voters on the Roll: Ballot not required  
Number of apparent workplace addresses: Nil  
Number of non-current addresses: Nil  
Other matters pertaining to the roll of voters: Nil

**IRREGULARITIES**

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

**ATTACHMENTS**

Declaration of Results

Phoebe Chamberlain  
Returning Officer

20 October 2010

# **Australian Education Union Federal Conference Delegates**

## **DECLARATION OF RESULTS FOR UNCONTESTED OFFICES**

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.

E2010/2647

### **Victorian Branch**

#### **Federal Conference Delegate representing the General Division (2)**

##### Candidates

FENTON, Dionne  
GANOSIS, Sylvia

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

Phoebe Chamberlain  
Returning Officer  
20 October 2010





FAIR WORK  
AUSTRALIA

## DECISION

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

**Australian Education Union**  
(E2010/2647)

T. NASSIOS

MELBOURNE, 11 AUGUST 2010

*Arrangement for conduct of election.*

[1] On 6 August 2010 the Australian Education Union lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

**The Australian Education Union Tasmanian (Tas) Branch**

Federal Conference Delegate representing the General Division (1) (new position due to increase in membership numbers)

National TAFE Council Delegate (1) (new position due to increase in membership numbers)

**The Australian Education Union Victorian (Vic) Branch**

Federal Conference Delegates representing the General Division (2) (new position due to increase in membership numbers)

**The Australian Education Union Western Australian (WA) Branch**

National TAFE Council Delegate (1) (new position due to increase in membership numbers)

[2] 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 GENERAL MANAGER  
FAIR WORK AUSTRALIA

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## ELLIOTT, Mark

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**From:** ELLIOTT, Mark  
**Sent:** Wednesday, 11 August 2010 10:27 AM  
**To:** 'DMoyle@aeufederal.org.au'  
**Subject:** AEU Election: WA, Vic and Tas Branches (E2010/2647)  
**Attachments:** E2010\_2647\_application\_granted.pdf

Good morning Darcel,

The General Manager's Delegate has issued a decision in relation to the abovementioned matter. A copy is attached.

Any queries in relation to the election should be directed to the Australian Electoral Commission who may be contacted by telephone on 03 9285 7145.

Kind regards,

**MARK ELLIOTT**  
Tribunal Services and Organisations

**Fair Work Australia**  
Tel: 03 8661 7811  
Fax: 03 9655 0410  
[mark.elliott@fwa.gov.au](mailto:mark.elliott@fwa.gov.au)

11 Exhibition Street, Melbourne Victoria 3000  
GPO Box 1994, Melbourne Victoria 3001

[www.fwa.gov.au](http://www.fwa.gov.au)

## ELLIOTT, Mark

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**From:** ELLIOTT, Mark  
**Sent:** Wednesday, 11 August 2010 10:23 AM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** FW: E2010\_2647: AEU - decision signed  
**Attachments:** E2010\_2647\_application\_granted.pdf; AEU - 284vfed (02-10-09).doc

Please find attached a decision, signed today by the General Manager's Delegate, in the above matter. A copy of the rules of the AEU are also attached. No alterations to these rules are pending.

Kind regards,

**MARK ELLIOTT**

Tribunal Services and Organisations

**Fair Work Australia**

Tel: 03 8661 7811

Fax: 03 9655 0410

[mark.elliott@fwa.gov.au](mailto:mark.elliott@fwa.gov.au)

11 Exhibition Street, Melbourne Victoria 3000

GPO Box 1994, Melbourne Victoria 3001



# *Australian Education Union*

*Federal Office*

*Ground Floor, 120 Clarendon Street, Southbank, Victoria, 3006*

*Federal Secretary : Susan Hopgood*

*Federal President : Angelo Gavrielatos*

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6 August 2010

Mr Tim Lee  
General Manager  
Fair Work Australia  
GPO Box 1994  
Melbourne VIC 3001

Email: [orgs@fwa.gov.au](mailto:orgs@fwa.gov.au)

Dear Mr Lee,

**Statement: Prescribed Information: Section 189(1) of the Fair Work (Registered Organisations) Act 2009**

In accordance with Section 189 (1) of the of the Fair Work (Registered Organisations) Act 2009 and Regulation 138, I wish to lodge the following prescribed information in relation to elections in the Tasmanian, Victorian and Western Australian Branches of the Australian Education Union for the undermentioned offices in this Union.

These elections are all membership elections. I am the Deputy Federal Secretary of the AEU and am authorised to lodge this prescribed information.

**Names of Offices**

**Tasmanian Branch**

- (a) One (1) Federal Conference Delegate representing the General Division.  
*1 January 2010 - 31 December 2011.*

**Electorate:** The electorate is the financial members assigned to the General Division of the Tasmanian Branch.

- (b) One (1) National TAFE Council Delegate.  
*1 January 2010 - 31 December 2011.*

**Electorate:** The electorate is the financial members assigned to the TAFE Division of the Tasmanian Branch.

### Victorian Branch

- (a) Two (2) Federal Conference Delegates representing the General Division.  
*1 January 2010 - 31 December 2011.*

**Electorate:** The electorate is the financial members assigned to the General Division of the Victorian Branch.

### Western Australian Branch

- (a) One (1) National TAFE Council Delegate.  
*1 January 2010 - 31 December 2011.*

**Electorate:** The electorate is the financial members assigned to the TAFE Division of the Western Australian Branch.

### Reason for these elections

These elections are required to be held as a result of an increase of delegate entitlements in the respective Branches for the respective Divisions, following increases in membership at 30 June 2010.

### Tasmanian Branch

- (a) On 30 June 2010, the total membership of the General Division of the Tasmanian Branch is 5,685, an increase of 706 members, which gives the Branch an entitlement of one additional Federal Conference Delegate (the Branch currently has an entitlement to 2). The term of office of this delegate is 1 January 2011 to 31 December 2011.

Tasmanian Branch Rule 29D, with reference to Federal Rules 30 (1A) and 32 (7), outlines the process for the election of Alternate Delegates to Federal Conference (General Division). In the case of AEU election E2009/10014, there was one more candidate than vacancy for the office of General Division Conference Delegates (i.e. 2 positions vacant, 3 candidates). However, this candidate is excluded from the position of Alternate Federal Conference Delegate by virtue of Federal Rule 24 (3A) which outlines the number of female delegates representing the General Division in each branch. In the case of the Tasmanian Branch, the number of General Division members is between 5001 and 7500, which means the Branch is entitled to two female delegates and one male delegate.

- (b) On 30 June 2010, the total membership of the TAFE Division of the Tasmanian Branch is 519, an increase of 69 members, which gives the Branch an entitlement of one additional National TAFE Council delegate (the Branch currently has an entitlement to 2). The term of office of this delegate is 1 January 2011 to 31 December 2011.

### Victorian Branch

- (a) On 30 June 2010, the total membership of the General Division of the Victorian Branch is 40,082, an increase of 4,347 members, which gives the Branch an entitlement of two additional Federal Conference Delegates (the Branch currently has an entitlement to 15). The term of office of these delegates is 1 January 2011 to 31 December 2011.

### Western Australian Branch

- (a) On 30 June 2010, the total membership of the TAFE Division of the Western Australian Branch is 1,006, an increase of 69 members, which gives the Branch an entitlement of one additional National TAFE Council delegate (the Branch currently has an entitlement to 3). The term of office of this delegate is 1 January 2011 to 31 December 2011.

### **Timetables for these elections**

The respective Branch rules set out timetables for these elections.

#### Tasmanian Branch

The Tasmanian Branch sub rule 29 (2) (a) establishes the timetable for direct voting systems as follows:

##### *Timetable*

*Nominations shall open on the first day of school term 3 in the relevant calendar year and close at 12 noon 3 weeks later.*

*If required ballot papers shall be posted 4 weeks after the close of nominations, and the ballot will close at 10.00 a.m. 3 weeks after opening.*

This sub-rule applies to the election of both Federal Conference and National TAFE Council delegates.

#### Victorian Branch

The Victorian Branch sub-rule 52 (7) establishes that an election for an increased entitlement to Federal Conference Delegates be held 'as soon as practicable'. Thus the nominations should be opened at a time determined by the Returning Officer.

#### Western Australia Branch

The Western Australian Branch has no specific rule regarding the timetable for election of additional delegates to the National TAFE Council; therefore, nominations should be opened at a time determined by the Returning Officer.

### **Voting System**

The voting system to be employed in the conduct of the elections for the offices is a direct voting system.

### **Minimum Representation of Women**

Your attention is also drawn to the provisions of Rule 24(3A), Rule 25, Rule 47(3), Rule 47A and various Branch Rules concerning the minimum representation of women in connection with any ballots that are necessary for the election of Federal Conference Delegates and National TAFE Council Delegates.

### **Closure of Voting Rolls**

The roll of voters is closed seven days before the day on which nominations open for each of these elections.

The Branch Secretaries to contact for lists of members and other necessary information in relation to these elections are:

**Western Australian Branch:** David Kelly, PO Box 6140, East Perth, 6892.

**Victorian Branch:** Brian Henderson, PO Box 363, Abbotsford, 3067.

**Tasmanian Branch:** Chris Lane, PO Box 117, Hobart North, 7002.

Yours sincerely,



Darcel Russell  
Deputy Federal Secretary

## ELLIOTT, Mark

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**From:** STEWART, Iain  
**Sent:** Monday, 9 August 2010 9:34 AM  
**To:** ELLIOTT, Mark  
**Subject:** FW: Prescribed Information - Membership Elections  
**Attachments:** 2010 membership increase Vic, WA, Tas (2011 term of office).pdf

Mark

Can you attend to this, thank you

### IAIN STEWART

Team Manager  
Tribunal Services and Organisations

### Fair Work Australia

Tel: (03) 8661 7787  
fax: (03) 9655 0410  
email: [iain.stewart@fwa.gov.au](mailto:iain.stewart@fwa.gov.au)

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[www.fwa.gov.au](http://www.fwa.gov.au)

---

**From:** RESEARCH FAX  
**Sent:** Monday, 9 August 2010 8:11 AM  
**To:** STEWART, Iain  
**Subject:** FW: Prescribed Information - Membership Elections

Iain – for allocation.

### Larry Powell

Tribunal Services and Organisations

### Fair Work Australia

Tel: 03 8661 7993  
Fax: 03 9655 0401  
[larry.powell@fwa.gov.au](mailto:larry.powell@fwa.gov.au)

11 Exhibition St, Melbourne Victoria 3000  
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[www.fwa.gov.au](http://www.fwa.gov.au)

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**From:** Tom Freeman [<mailto:TFreeman@aeufederal.org.au>]  
**Sent:** Friday, 6 August 2010 3:28 PM  
**To:** RESEARCH FAX  
**Cc:** Darcel Russell  
**Subject:** Prescribed Information - Membership Elections



Attention : Margaret Williams  
Team Leader  
Fair Work Australia

Dear Margaret,

Please find attached correspondence from Darcel Russell, AEU Deputy Federal Secretary, regarding the above matter.

Kind regards,

Tom

**Tom Freeman**  
**Australian Education Union - Federal Office**  
Ground Floor 120 Clarendon Street  
Southbank Victoria 3006  
+61 (0)3 9693 1800 - Phone  
+61 (0)421 071 057 - Mobile  
+61 (0)3 9693 1805 - Facsimile



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