

16 April 2022

# Post-election report

**Australian Education Union**

Victoria Branch

Scheduled and Recall Election

E2021/118

# Contents

Election(s) Covered in this Report .....	3
Rules.....	3
Roll of Voters .....	3
Other Matters .....	3
Signed .....	4
Attachments.....	5
A. Declaration of Results for Uncontested Offices .....	5
B. Declaration of Results for Uncontested Offices - Recall.....	5

# Election(s) Covered in this Report

---

Organisation: Australian Education Union - Victoria Branch

Election: Scheduled and Recall

Election Decision No/s: E2021/118

## Rules

---

Rules used for the election: 284V: Incorporates alterations of 6 July 2021 [R2021/61]  
(replaces rulebook dated 24 June 2021 [R2021/45])

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: [www.aec.gov.au/ieb/](http://www.aec.gov.au/ieb/)

## Roll of Voters

---

Based on an analysis of the register of members the Returning Officer has formed the opinion that the:

- There were no concerns in the construction of the Roll of Voters
- There are no concerns in the data provided by the organisation

## Other Matters

---

Returning Officer actions required (Section 193): Yes

Details:

- Rules requiring an in-person ballot were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for all stakeholders to attend. Instead the ballot, if necessary, would have been conducted via post.
- Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.

- The rules are silent on the withdrawal of nominations. The Returning Officer is setting the withdrawal of nominations to close 7 days after nominations close.

## Signed

---

Catherine Bernoth  
Returning Officer  
Australian Electoral Commission  
E: IEEvents@aec.gov.au  
P: 02 9375 6375  
16 April 2022

# Attachments

---

- A. Declaration of Results for Uncontested Offices
- B. Declaration of Results for Uncontested Offices - Recall

**Australian Education Union**  
**Victorian Branch**  
**DECLARATION OF RESULTS - E2021/118**  
**Uncontested Offices**

---

**Recall 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:

**Early Childhood Sector Council**

**Ordinary Member of Branch Council (2)**

Candidates

*No Nominations Received*

**TAFE and Adult Provision Sector Council**

**Ordinary Member of Branch Council (1)**

Candidates

*No Nominations Received*

**Early Childhood Sector**

**Ordinary Member of Branch Executive (1)**

Candidates

*No Nominations Received*

As no nominations were received, I declare this election complete.

Catherine Bernoth  
Returning Officer  
Telephone: 02 9375 6375  
Email: IEBevents@aec.gov.au  
12/04/2022



**Australian Education Union**  
**Victorian Branch**  
**DECLARATION OF RESULTS - E2021/118**  
**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:

**Early Childhood Sector Council**

**Ordinary Member of Branch Council (7)**

Candidates

BRYAN Kay  
EDIRISINGHE Neelika  
FITZGERALD Catriona Fidelis  
JENKINS Nichole  
O'DWYER Dianne

**TAFE and Adult Provision Sector Council**

**Ordinary Member of Branch Council (6)**

Candidates

BARKER Greg  
DEVENYNS Louise  
MURPHY Joanne  
RIGONI Anthony  
ZELMAN Mark

**Primary Sector**

**Ordinary Member of Branch Executive (Primary Sector) (7)**

Candidates

BURTON Tanya  
DERRICK Lee-Ann  
EDWARDS Krystyna  
MASIERO Antoinette  
PACE Michael  
PONTIKIS Mary-Anne  
TENSON Katrina

**Secondary Sector**

**Ordinary Member of Branch Executive (Secondary Sector) (5)**

Candidates

HARRIS Justin  
HUMPHRIES Ann  
KOLBER Jem  
MARTIN Keith  
SMITH Wayne

## **Early Childhood Sector**

### **Ordinary Member of Branch Executive (Early Childhood Sector) (1)**

#### Candidates

*No Nominations Received*

## **TAFE and Adult Provision Sector**

### **Ordinary Member of Branch Executive (TAFE and Adult Provision Sector) (1)**

#### Candidates

RIGONI Anthony

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

Catherine Bernoth  
Returning Officer  
Telephone: 02 9375 6375  
Email: IEBevents@aec.gov.au  
03/12/2021







## DECISION

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

**Australian Education Union**  
(E2021/118)

MR STEENSON

SYDNEY, 22 JUNE 2021

*Arrangement for conduct of election.*

[1] On 6 May 2021 the Australian Education Union - Victorian Branch (the Branch) lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Branch Council

(Number of officers to be determined in accordance with Branch rule 8)

Ordinary Member of Branch Council  
(Early Childhood Sector Council)

Ordinary Member of Branch Council  
(TAFE and Adult Provision Sector Council)

Branch Executive

(Number of officers to be determined in accordance with Branch rule 11)

Ordinary Member of Branch Executive (Primary Sector)

Ordinary Member of Branch Executive (Secondary Sector)

Ordinary Member of Branch Executive (Early Childhood Sector)

Ordinary Member of Branch Executive (TAFE and Adult Provision Sector)

[2] In addition to the Branch Council offices named above, the rules of the Branch, in particular rule 8(2)(a), provide that ‘all members of the Primary Sector Council and the Secondary Sector Council’ are also ordinary members of the Branch Council. The Primary Sector Council and the Secondary Sector Council were the subject of my decision dated 21 June 2021 in matter **E2021/94**, the Stage 1 (direct voting system) election for senior Branch officers and members of Sector Councils.

[3] The Branch rules, in particular rules 8 and 11, require that the number of Ordinary members of Branch Council and Ordinary members of the Branch Executive, are to be determined in accordance with a formula in which regard must be had to the financial membership of each Sector as at 30 June immediately before the calling for nominations.

[4] Nominations for the Stage 2 (collegiate voting system) election that is the subject of the decision in this matter (**E2021/118**) cannot open until after the completion of the Stage 1 election (**E2021/94**) as the collegiate election is by and from persons elected in Stage 1. Under the Branch rules, nomination for Stage 1 close in early September, so the opening of nominations for Stage 2 cannot be before that date (and in the event of a ballot will be later than that). It is noted that in preceding elections for these offices, that the election normally occurs around November, with elected officers to take office on 1 January of the year following their election.

[5] Where the elections of an organisation or branch are conducted by the Australian Electoral Commission (AEC),<sup>1</sup> section 189 of the *Fair Work (Registered Organisations) Act 2009 (the RO Act)* requires that organisations and branches lodge prescribed information to arrange for elections. Section 189(2) requires that such information be lodged by the ‘prescribed day, which is defined in Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009 (the Regulations)* as being:

For the purpose of subsection 189(2) of the Act, the prescribed day is the day occurring 2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in an election

[6] As the first date on which a person can become a candidate in the Stage 2 election, does not occur until after the first Friday in September – the date that the Branch rules require as the closing date for Stage 1 nominations – the prescribed day for lodging prescribed information for the Stage 2 election can be no earlier than the beginning of July.<sup>2</sup>

[7] The Branch’s 6 May 2021 lodgement of prescribed information for the Stage 2 election is certainly earlier than ‘2 months before the first day when a person may ... become a candidate’. Therefore, the lodgement does not contravene section 189(2) of the RO Act. However, the difficulty with a lodgement prior to 30 June 2021 is that the number of offices to be elected cannot yet be ascertained.

[8] It is understood that the Branch’s 6 May 2021 lodgement for the Stage 2 election (**E2021/118**) was a matter of expediency, as the Branch lodged the prescribed information for the Stage 1 election (**E2021/94**) at the same time. Such an approach, of seeking to lodge prescribed information for each stage of an election process at the same time, is usually well regarded by the ROC and a commendable approach.

In this instance, however, because of the Branch’s particular rules, it has had the consequence that it has been lodged before the 30 June cut-off date mandated in those rules for determining the numbers of officers. Therefore this election decision, like the decision issued on 21 June 2021 in the related matter E2021/94, has had to be issued without listing the specific number of persons to be elected to each office.

---

<sup>1</sup> The default position in the legislation in the absence of an exemption granted under s.186 of the RO Act

<sup>2</sup> Two (2) months before the earliest date that nominations could open.

[9] While the number of officers to be elected (once they are able to be determined) are ultimately included in the call for nominations issued by the AEC, the rules as they currently stand necessitate further work by the AEC and/or the Commission in order for this to be determined.

[10] As indicated in my decision in the related matter E2021/94, I propose to separately engage with the organisation, as part of the Commission's function of providing advice and assistance to registered organisations, to discuss means by which the above issues may be able to be addressed before the next scheduled election is due.

[11] 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 AEC.



DELEGATE OF THE COMMISSIONER

Printed by authority of the Commonwealth Government Printer

PR351967



6 May 2021

Mr Mark Bielecki  
Registered Organisations Commissioner  
Registered Organisations Commission  
GPO Box 2983  
Melbourne VIC 3001  
via email [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

Dear Commissioner Bielecki

**PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009* -  
AEU Victorian Branch – Election of Ordinary Members of Branch Council; and  
Election of Ordinary Members of Branch Executive**

I, **Erin Aulich**, being the **Branch Secretary of the Australian Education Union Victorian Branch**, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Australian Education Union Victorian Branch (AEU Vic Branch).
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:  
**Election of Ordinary Members of Branch Council (AEU Vic Branch Rule 48); and**  
**Election of Ordinary Members of Branch Executive (AEU Vic Branch Rule 49)**  
as set out in the table in Annexure A.
4. No rule alterations are pending that will impact these elections.
5. This statement **IS** lodged at least 2 months before nominations open for the elections as set out in the table in Annexure A.
6. **Voting system and number of positions**

The voting system to be employed in the conduct of the elections is a collegiate electoral system.

Pursuant to AEU Vic Branch rules 8(3) and 11(3) respectively the financial branch and sector membership numbers as at 30 June 2021 will determine the number of persons elected as Ordinary Members of Branch Council from the Early Childhood Sector Council and the TAFE and Adult Provision Sector Council; and Ordinary Members of Branch Executive. I will provide you with the number of financial members as at 30 June 2021 along with the number of positions to be elected as soon as they are available.

**Dates and Times:**

The dates and times for nominations open and close to be determined by the Returning Officer from the Australian Electoral Commission with regards to AEU Vic Branch rules 48(2), 48(5) and AEU Vic Branch rules 49(2) and 49(5).

AEU Vic Branch Rules contain respective timetables for the conduct of these elections as set out at *Annexure A - Important dates*.

**7. Contact:**

The contact person for lists of members and other necessary information is:

Erin Aulich  
Branch Secretary  
Australian Education Union Victorian Branch  
PO Box 363  
Abbotsford VIC 3067  
Phone: (03) 9418 4817 (direct)  
Email: [erin.aulich@aeuvic.asn.au](mailto:erin.aulich@aeuvic.asn.au)

Yours sincerely



**Erin Aulich**  
**Branch Secretary**  
**AEU Victoria**

**ANNEXURE A**

- Election required for **AEU Vic Branch - Election of Ordinary Members of Branch Council**

<b>AEU VIC BRANCH ELECTION OF ORDINARY MEMBERS OF BRANCH COUNCIL:</b>						
In accordance with Australian Education Union Victorian Branch Rule 48 elections are required for Ordinary Members of Branch Council (Refer AEU Vic Branch Rule 48)						
<b>Branch</b>	<b>Name of Office</b>	<b>Term of Office</b>	<b>Number required</b>	<b>Voting System</b>	<b>Reason for Election</b>	<b>Electorate</b>
				<b>Direct voting system (DVS); Collegiate electoral system</b>	<b>Scheduled; Casual vacancy; New office created; Insufficient nominations</b>	
VIC	Ordinary Members of Branch Council (from the Early Childhood Sector)	1 January 2022 to 31 December 2024		Collegiate electoral system	Scheduled - current term of office expires on 31 December 2021.	The ordinary members of Branch Council from the Early Childhood Sector shall be elected by a secret ballot conducted at a meeting of members elect of the Early Childhood Sector Council held immediately following the conclusion of the sector council elections for the purpose of conducting the election.
	Ordinary Members of Branch Council (from the TAFE and Adult Provision Sector)	1 January 2022 to 31 December 2024		Collegiate electoral system	Scheduled - current term of office expires on 31 December 2021	The ordinary members of Branch Council from the TAFE and Adult Provision Sector shall be elected by a secret ballot conducted at a meeting of members elect of the TAFE and Adult Provision Sector Council held immediately following the conclusion of the sector council elections for the purpose of conducting the election.

- **Important dates - AEU Vic Branch Election of Ordinary Members of Branch Council:**

	<b>Collegiate electoral system</b>	<b>Notes</b>
<b>Nominations OPEN</b>	<p><i>To be determined by returning officer.</i></p> <p><i>It is recommended that nominations open on <b>Monday 22 November 2021.</b></i></p>	<p><i>AEU Vic Branch Rule 48(2) states - The ordinary members of Branch Council from the Early Childhood Sector and the TAFE and Adult Provision Sector shall be elected by a secret ballot conducted at a meeting of members elect of the relevant sector council held immediately following the conclusion of the sector council elections for the purpose of conducting the election.</i></p> <p><i>AEU Vic Branch Rule 50(6) states – “The election for ordinary members of Sector Council shall be completed by 1 November”.</i></p> <p><i>Respective Sectors’ Council Meetings are scheduled to take place on Friday 10 December 2021.</i></p>
<b>Nominations CLOSE</b>	<p><i>To be determined by returning officer.</i></p> <p><i>It is recommended that nominations close during the respective Sectors’ Council Meetings on <b>Friday 10 December 2021.</b></i></p>	<p><i>Refer to Note above</i></p> <p><i>Pursuant to notification received by the AEC regarding the AEC’s COVID-19 response and in person (attendance) ballots the AEU will work with the AEC on an alternative approach, if required.</i></p>
<b>Roll of Voters cut- off date</b>	<i>7 days prior to nominations opening [rule 57(2A)]</i>	
<b>Ballot (if required)</b>	<i>If a ballot is required it can be conducted at the respective Sector Council Meetings on <b>Friday 10 December 2021.</b></i>	

**AEU VIC BRANCH ELECTION OF ORDINARY MEMBERS OF BRANCH EXECUTIVE:**

In accordance with Australian Education Union Victorian Branch Rule 49 elections are required for Ordinary Members of Branch Executive (Refer AEU Vic Branch Rule 49)

<b>Branch</b>	<b>Name of Office</b>	<b>Term of Office</b>	<b>Number required</b>	<b>Voting System</b>  <b>Direct voting system (DVS); Collegiate electoral system</b>	<b>Reason for Election</b>  <b>Scheduled; Casual vacancy; New office created; Insufficient nominations</b>	<b>Electorate</b>
VIC	Ordinary Members of Branch Executive (from Primary Sector)	1 January 2022 to 31 December 2022		Collegiate electoral system	Scheduled - current term of office expires on 31 December 2021	The electorate is all the ordinary members of the Primary Sector Council. [Rule 11(1)(b)]
	Ordinary Members of Branch Executive (from Secondary Sector)	1 January 2022 to 31 December 2022		Collegiate electoral system	Scheduled - current term of office expires on 31 December 2021	The electorate is all the ordinary members of the Secondary Sector Council. [Rule 11(1)(b)]
	Ordinary Members of Branch Executive (from Early Childhood Sector)	1 January 2022 to 31 December 2022		Collegiate electoral system	Scheduled - current term of office expires on 31 December 2021.	The electorate is persons elected as ordinary members of the Branch Executive by members of the Early Childhood Sector Council from persons who are ordinary members of the Branch Council from the relevant sector council. [Rule 11(1)(b)]
	Ordinary Members of Branch Executive (from TAFE and Adult Provision Sector)	1 January 2022 to 31 December 2022		Collegiate electoral system	Scheduled - current term of office expires on 31 December 2021	The electorate is persons elected as ordinary members of the Branch Executive by members of TAFE and Adult Provision Sector Council from persons who are ordinary members of the Branch Council from the relevant sector council. [Rule 11(1)(b)]



- Important dates - AEU VIC Branch Election of Ordinary Members of Branch Executive:

	Collegiate electoral system	Notes
<b>Nominations OPEN</b>	<p>To be determined by returning officer.</p> <p>It is recommended that nominations open on <b>Monday 22 November 2021.</b></p>	<p>The notice calling for nominations ...shall specify a date for the opening of nominations which shall be a date not less than 14 days before the date for holding the meeting provided that, where the election is to be conducted at the meeting of the sector council at which ordinary members of the Branch Council are elected, nominations shall be called by the Branch Returning Officer announcing to the meeting that nominations are open and allowing sufficient time for persons seeking to nominate to submit their nominations [Rule 49(5)]</p>
<b>Nominations CLOSE</b>	<p>To be determined by returning officer.</p> <p>It is recommended that nominations close during the respective Sectors' Council Meetings on <b>Friday 10 December 2021.</b></p>	<p>The Branch Returning Officer shall call for nominations for the positions of ordinary members of the Branch Executive by sending a notice to each member or member elect of the relevant sector council provided that, where the election is to be conducted at the meeting of the sector council at which ordinary members of the Branch Council are elected, nominations shall be called immediately after the conclusion of the election of ordinary members of Branch Council. [Rule 49 (4)]</p>
<b>Roll of Voters cut- off date</b>	<p>7 days prior to nominations opening [rule 57(2A)]</p>	
<b>Ballot (if required)</b>	<p>If a ballot is required it can be conducted at the respective Sector Council Meetings on <b>Friday 10 December 2021.</b></p>	<p>Pursuant to notification received by the AEC regarding the AEC's COVID-19 response and in person (attendance) ballots the AEU will work with the AEC on an alternative approach, if required.</p>