



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: Australian Education Union - NSW Branch

Contact details: Mr. John Dixon
Deputy Branch Secretary
Australian Education Union
NSW Branch

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FWC contact officer: Larry Powell
Email: orgs@fwc.gov.au

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2014/186

RULES

Rules used for elections Rule ID: [284V: Incorporates alterations of 01/01/2014 determined on 26 March 2014- R2014/36]

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

ROLL OF VOTERS N/A Election uncontested

ALLEGATIONS OF IRREGULARITIES RECEIVED

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

Other irregularities identified, and action taken: N/A

ATTACHMENTS

Declaration of results for uncontested offices

Kathryn Montgomery
Returning Officer
8 October 2014

**Australian Education Union
New South Wales Branch
Executive vacancies**

Declaration of Results for Uncontested Offices

E2014/186

Below are 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.

NSW Branch Executive

Branch Secretary

Candidates

DIXON, John

Branch Executive Members (3)

Candidates

BYERS, Dianne
DAWSON, Kylie Maree
WATT, Natasha

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



Kathryn Montgomery
Returning Officer
12 September 2014



DECISION

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

Australian Education Union
(E2014/186)

MR ENRIGHT

MELBOURNE, 13 AUGUST 2014

Arrangement for conduct of election.

[1] On 24 July and 8 August 2014 the New South Wales Branch of the Australian Education Union lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices due to insufficient nominations in E2014/102:

Branch Executive Members (2)

[2] On the same dates the organisation lodged the prescribed information in relation to an election to fill casual vacancies in the following offices:

Branch Secretary (1)

Branch Executive Member (1)

[3] 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

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8 August 2014

Australian Education Union

New South Wales Branch

23-33 Mary Street, Surry Hills NSW 2010

NSW Branch President: Maurie Mulheron

NSW Branch Secretary: Jenny Diamond

Telephone: (02) 9217 2100

Facsimile: (02) 9217 2470

In reply please quote: 798/2014/JD:jw

General Manager
Fair Work Australia
GPO Box 1994
MELBOURNE VIC 3001

orgs@fwc.gov.au

Attention: Larry Powell

Dear Sir

The AEU NSW Branch seeks to hold elections for one (1) Branch Secretary vacancy and three (3) Branch Executive vacancies in accordance with Rule 6. "Constitution of Branch Executive". This arises from 2 unfilled vacancies and resignations from Jenny Diamond, Branch Secretary, and Kathy Nicholson, Branch Executive member.

I, John Dixon, Deputy Branch Secretary of the Australian Education Union, New South Wales Branch, am authorised to lodge the following prescribed information in relation to an election in the Australian Education Union, New South Wales Branch to fill unfilled vacancies to the Branch Executive. The information is being lodged under the Fair Work (Registered Organisations) Act 2009, Section 189.

1. **Names of Officers:**

NSW Branch Secretary (1) – caused by the resignation of Jenny Diamond (copy attached herewith).

NSW Branch Executive Members (3) – 2 remaining vacancies and 1 resignations from Kathy Nicholson (copy attached herewith).

2. **Reason for the election:**

To fill the above vacancies on the NSW Branch Executive. The term of office expires in March 2016 or the term of office may end in February 2015 as per Rule 6 (2A), depending upon the harmonisation and synchronisation with the NSW Teachers Federation.

3. **The electorate comprises:**

The members of the Australian Education Union NSW Branch Council.

4. **The dates and times for the opening and closing of nominations are:**

In accordance with direction provided by the Australian Electoral Commission under Rule 9, Sub Section (2): "Nominations for election as a member of Branch Executive shall be called by notification to all members of the Branch Council at least seven days prior to the date on which nominations close."

5. **Roll of voters shall close:**

In accordance with Rule 9 Sub Section (3) the roll of voters shall close on the day the Australian Electoral Commission determines as the date the nominations will close.

6. **Voting system:**

The voting system to be used in the conduct of the election is a collegiate election.

Please contact the undersigned for lists of members and other necessary information in relation to this election:

Mr John Dixon
Deputy Branch Secretary
Australian Education Union
New South Wales Branch
Locked Bag 3010
Darlinghurst NSW 1300

email: dixon@nswtf.org.au

Yours sincerely



John Dixon
Deputy Branch Secretary

Copy to: mark.elliott@fwc.gov.au



24 July 2014

Australian Education Union

New South Wales Branch

23-33 Mary Street, Surry Hills NSW 2010

NSW Branch President: Maurie Mulheron

NSW Branch Secretary: Jenny Diamond

Telephone: (02) 9217 2100

Facsimile: (02) 9217 2470

In reply please quote: 798/2014/JD:jw

General Manager
Fair Work Australia
GPO Box 1994
MELBOURNE VIC 3001

orgs@fwc.gov.au

Dear Sir

The AEU NSW Branch seeks to hold elections for four (4) Branch Executive vacancies in accordance with Rule 6. "Constitution of Branch Executive". This arises from 2 unfilled vacancies and resignations from Jenny Diamond, Branch Secretary, and Kathy Nicholson.

I, John Dixon, Deputy Branch Secretary of the Australian Education Union, New South Wales Branch, am authorised to lodge the following prescribed information in relation to an election in the Australian Education Union, New South Wales Branch to fill unfilled vacancies to the Branch Executive. The information is being lodged under the Fair Work (Registered Organisations) Act 2009, Section 189.

1. **Names of Officers:**
NSW Branch Executive Members (4) – 2 remaining vacancies and 2 resignations from officers Jenny Diamond and Kathy Nicholson (copies attached herewith).
2. **Reason for the election:**
To fill the above vacancies on the NSW Branch Executive. The term of office expires in March 2016 or the term of office may end in February 2015 as per Rule 6 (2A), depending upon the harmonisation and synchronisation with the NSW Teachers Federation.
3. **The electorate comprises:**
The members of the Australian Education Union NSW Branch Council.
4. **The dates and times for the opening and closing of nominations are:**
In accordance with direction provided by the Australian Electoral Commission under Rule 9, Sub Section (2): "Nominations for election as a member of Branch Executive shall be called by notification to all members of the Branch Council at least seven days prior to the date on which nominations close."
5. **Roll of voters shall close:**
In accordance with Rule 9 Sub Section (3) the roll of voters shall close on the day the Australian Electoral Commission determines as the date the nominations will close.
6. **Voting system:**
The voting system to be used in the conduct of the election is direct member election.

Rule 6. "Constitution of the Branch Executive"

- 6.(3) *In the event of any casual or extraordinary vacancy occurring in an office of Branch Officer, Branch Executive may appoint another financial member attached to the Branch to fill the vacancy and the member so appointed shall hold office for the unexpired portion of the term of the office of the Branch Officer he or she is appointed to replace.*

6.(4) *In the event of a casual or extraordinary vacancy occurring in an office of Executive Member the Branch Executive may appoint another financial member to fill the vacancy and the Branch Councillor so appointed shall hold office for the unexpired term of the office of the Executive Member he/she was appointed to replace.*

Rules 6.(3) and 6.(4) above that deal with casual or extraordinary vacancies give the power to appoint a replacement to the Branch Executive for the expired portion of the term of office.

We believe that the recent changes to our Rules 6.2 and 6.2A, which were approved by the Fair Work Commission, extended the term of office to two years so that we can harmonise and scrutinise elections with the NSW Teachers Federation. We believe this is overridden by the Fair Work Act and therefore elections will need to occur.

Please contact the undersigned for lists of members and other necessary information in relation to this election:

Mr John Dixon
Deputy Branch Secretary
Australian Education Union
New South Wales Branch
Locked Bag 3010
Darlinghurst NSW 1300

email: dixon@nswtf.org.au

Yours sincerely



John Dixon
Deputy Branch Secretary

Copy to: mark.elliott@fwc.gov.au