



12 November 2015

Mr John Dixon
Branch Secretary
Australian Education Union-New South Wales Teachers Federation (NSWTF) Branch
dixon@nswtf.org.au

Dear Mr Dixon,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Commission a declaration of results for the election [E2015/183]. This letter is a reminder of certain obligations imposed on organisations and persons elected to office.

Section 154D(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the rules of organisations (and branches of organisations) to require 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 should be provided for in your organisation's rules.

Also, section 233(2) of the RO Act requires that an organisation must notify the Fair Work Commission (the Commission) within 35 days of any changes to the holders of office in the organisation. If the election has resulted in any changes to the holders of office, the Australian Education Union-New South Wales Teachers Federation (NSWTF) Branch 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. I have attached a template notification of changes which may assist you. If any change does not apply until a specific date, you don't 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

Debbie Ball
Regulatory Compliance Branch

NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009*

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 1. [include OLD name and address and NEW name and address of every branch that has changed]
 2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:³
 - COMMENCED/CEASED operation:
 1. [include name of each new branch]
 2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to orgs@fwc.gov.au.]

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Reason for change	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder (for privacy reasons, we recommend NOT a private address)	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Retiring</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
...							
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Resignation</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
...							



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: Australian Education Union - NSWTF Branch

Contact details: Mr. John Dixon
Branch Secretary
Australian Education Union
22-33 Mary St
Surry Hills NSW 2010

Email: dixon@nswtf.org.au

Tel: 02 9217 2352

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

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2015/183

RULES

Rules used for elections Rule ID: [284V: Incorporates alterations of 31/03/2015
[R2014/331]

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

ROLL OF VOTERS None

ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: None

ATTACHMENTS

Declaration of results for uncontested offices

Chris Cox
Returning Officer
24 September 2015

**Australian Education Union
NSWTF Branch
Branch Secretary & Deputy Secretaries E2015/183**

Declaration of Results for Uncontested Offices

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 Deputy Secretaries (4)

Candidates

BROWN , Rod
ROSICKY , Michelle
SHARKEY , Maxine
WYNNE, David

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



Chris Cox
Returning Officer
27 August 2015



DECISION

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

Australian Education Union (NSWTF) Branch (E2015/183)

MR ENRIGHT

MELBOURNE, 10 JULY 2015

Arrangement for conduct of election.

[1] On 30 May 2015 the New South Wales Teachers Federation (NSWTF) Branch ‘the branch’ of the Australian Education Union lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Branch Secretary
Deputy Branch Secretary (4)

[2] On 18 June 2015 the Branch lodged amended prescribed information requesting an election for the following offices:

Branch Secretary
Deputy Branch Secretary – Communications and Administration
Deputy Branch Secretary – Industrial-Research/Professional Support
Deputy Branch Secretary – Post Schools
Deputy Branch Secretary – Schools

[3] The Branch Secretary (Mr John Dixon) in the amended prescribed information submitted the reasons for the amendment is that substantial rule changes were made to allow the registration of the branch in the state jurisdiction and the de-registration of the NSW Teachers Federation. Mr Dixon advised that the practice over many years in the NSW Teachers Federation was to specify job descriptions for the four Assistant Secretaries (now Deputy Secretaries in the branch) and now seeks a similar procedure for the forthcoming election. Mr Dixon advised in the amended prescribed information that the Branch Council made a deliberative decision at its 2 May 2015 meeting to allocate the four Deputy Secretaries to specific roles with the control and supervision of designated Professional Officers or Branch employees and undertook to amend the rules of the branch in the near future to clarify the rules concerning the Deputy Branch Secretaries to accommodate those procedures.

[4] Section 189(3) of the *Fair Work (Registered Organisations) Act 2009* provides the General Manager must arrange for the conduct of an election by the Australian Electoral Commission if he/she is satisfied that an election is required to be held under the rules of the organisation or branch.

[5] Under section 671(1) of the *Fair Work Act 2009* the functions in respect of making arrangements for the conduct of elections of registered organisations by the Australian Electoral Commission have been delegated to me.

[6] Rule 23(1) of the rules of the New South Wales Teachers Federation (NSWTF) Branch provides that there shall be four Deputy Branch Secretaries. No provision is made in those rules for the Deputy Branch Secretaries as specified in the amended prescribed information. As the rules do not provide for those specified offices I am not satisfied that such offices exist and therefore I am unable to make arrangements for the conduct of an election for those offices.

[7] On 8 July 2015 staff of the Fair Work Commission provided advice to Mr David Wynne (Deputy Branch Secretary) as to the effect of the branch rules in so far as the amended prescribed information was concerned. While I am satisfied that the offices as specified in the amended prescribed information do not exist in accordance with the relevant rules, I acknowledge that it is open to the organisation or branch to amend its rules to give effect to the apparent intention of the branch.

[8] Prescribed information should be lodged with the Fair Work Commission within the time prescribed by Regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009*. Branch rule 38(10)(c) provides that nominations for the Branch Secretary and Branch Deputy Secretaries open no later than 6 weeks prior to the Branch Council meeting designated for the conduct of the election. The prescribed information provides that the Branch Council has designated its meeting scheduled for 5 September 2015 as the designated meeting for the elections and that nominations would open on 24 July 2015. Therefore, according to the rules of the Branch, the first day when a person may become a candidate in the election is 24 July 2015. Accordingly, the prescribed information was required to be lodged before 24 May 2015. The prescribed information was lodged on 30 May 2015, some 6 days late.

[9] The failure of the branch to lodge the prescribed information before the prescribed day contravenes section 189(2) of the Act which is a civil penalty provision. Failures by organisations to comply with civil penalty provisions may be the subject of applications by the Fair Work Commission for orders in the Federal Court.

[10] I am satisfied that an election for the offices of Branch Secretary and Deputy Branch Secretary (4) 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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Australian Education Union

New South Wales Branch

23-33 Mary Street, Surry Hills NSW 2010

NSW Branch President: Maurie Mulheron

NSW Branch Secretary: John Dixon

Telephone: (02) 9217 2100

Fascimile: (02) 9217 2470

18 June 2015

In reply please quote: 522/2015/JD:jw

General Manager
Fair Work Australia
GPO Box 1994
MELBOURNE VIC 3001

By email: larry.powell@fwc.gov.au

Dear Sir

Attention: Mr Larry Powell

[Amended application 2015/183]

Re: Australian Education Union New South Teachers Federation Branch Elections for Branch Secretary (1) and Deputy Branch Secretaries (4)

I, John Dixon, being the Branch Secretary of the Australian Education Union – NSW Teachers Federation Branch, make the following statement:

I am the Branch Secretary of the AEU NSWTF Branch,

I am authorised to lodge the following prescribed information concerning forthcoming elections in the NSWTF Branch of the Australian Education Union, and

I confirm that the following information is being lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009*.

Signed:

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

Dated: 18 June 2015

Offices/Positions

Branch Secretary (1)
Deputy Branch Secretary - Communications and Administration (1)
Deputy Branch Secretary - Industrial-Research/Professional Support (1)
Deputy Branch Secretary - Post Schools (1)
Deputy Branch Secretary – Schools (1)

Reasons for election:

- Election for offices and positions above are required as the terms of office are due to expire in the normal course of events under the rules of the organisation.

Term of office:

- Term of office commences 27 January 2016 and concludes 28 January 2019. Term of office is 3 years.

Method of election:

- The electorate for collegiate electoral system is by and from the Branch Council as per rules 38.9 (a) and (b).

Dates and time:

- As per Branch rule 38.10 (c) nominations for the positions of Branch Secretary and Branch Deputy Secretary shall open no later than 6 weeks prior to the Branch Council meeting designated by the Branch Returning Officer for the conduct of the election and close no later than a date 10 days prior to the designated meeting.
- Branch Council has designated the 5 September 2015 Branch Council as the designated meeting for these elections.

Therefore nominations would open on 24 July 2015.
Nominations would close 12 noon, 26 August 2015.

Cut-off date for roll:

- 7 days prior to the opening date for nominations.

Reasons for seeking amendment:

The Australian Education Union New South Wales Federation Branch would like to amend its prescribed information application 2015/183 in the matter of the election of Branch Secretary (1) and Deputy Branch Secretaries (4).

The purpose of the substantial rule changes effective 1 January 2015 was to allow for the registration of the Australian Education Union New South Wales Teachers Federation Branch in the state jurisdiction and the de-registration of the NSW Teachers Federation.

The practice over many years in the NSW Teachers Federation was to specify job descriptions for the four Assistant Secretaries (now Deputy Secretaries in the Australian Education Union New South Wales Teachers Federation) so individuals knew which role they were standing for. The Australian Education Union New South Wales Teachers Federation seeks a similar procedure for the forthcoming election.

The Branch Council of the Australian Education Union made a deliberative decision at its 2 May 2015 meeting to allocate the four Deputy Secretaries to specific roles with the control and supervision of designated Professional Officers or Branch employees. [see attached decision of 2 May Council]

As the Branch Secretary under Rule 22(3) I am duty bound to carry out the Branch Council's instructions. I would therefore request that I be able to amend the prescribed information to seek elections for four Deputy Branch Secretaries as follows:

- Deputy Branch Secretary - Communications and Administration (1)
- Deputy Branch Secretary - Industrial-Research/Professional Support (1)
- Deputy Branch Secretary - Post Schools (1)
- Deputy Branch Secretary – Schools (1)

to keep the elections consistent with the custom and practice of the state-registered entity and the decision of the Australian Education Union New South Wales Teachers Federation Branch Council.

I further undertake to amend the Australian Education Union New South Wales Teachers Federation Branch rules in the near future to clarify the rules concerning Deputy Branch Secretaries to accommodate these procedures, as well as other rule changes necessary that have arisen in the Branch's operations in its first year of operation as the new entity.

Thank you for your consideration of this matter.

The Branch Secretary to contact for lists of members and other necessary information in relation to this election is:

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

Yours sincerely

A handwritten signature in black ink, appearing to be 'JD', written in a cursive style.

John Dixon
Branch Secretary

3. NEW OFFICERS' STRUCTURE 2016-2018

Branch Secretary (General Secretary)

4 Deputy Branch Secretaries (AGSs)

- Communications and Administration
- Industrial-Research / Professional Support
- Post Schools
- Schools

Communications and Administration

Membership Training Officer
Trade Union Training Officer
Women's Coordinator
Aboriginal Education Coordinator
Communications & Online Coordinator

Industrial-Research / Professional Support

Industrial-Research Officers (4)
Professional Support Officers (4)

Schools

Country Organisers (12*) (*plus TAFE colleges in their organising area)
City Organisers (9*) (*plus pick up specialist loads of Casual and Temporary; Special Education; OCAA; School Counsellors)
Multicultural Officer / Organiser (1)

Post Schools

Post School Organisers (3)*

*Organiser/TAFE Professional Support Officer – (one Organiser to be allocated by General Secretary in consultation with the DBS post schools, a .5 Professional Support load from the Post Schools Organisers elected by the Council)

Report received.

That the new Officer Structure 2016-2018 be endorsed. CARRIED.



Australian Education Union

New South Wales Teachers Federation Branch

23-33 Mary Street, Surry Hills NSW 2010
NSW Branch President: Maurie Mulheron
NSW Branch Secretary: John Dixon

Telephone: (02) 9217 2100
Facsimile: (02) 9217 2470

29 May 2015

In reply please quote: 474/2015/JD:sr

General Manager
Fair Work Australia
GPO Box 1994
MELBOURNE VIC 3001

By email: orgs@fwc.gov.au

Dear Sir

Attention: Mr Mark Elliott

Re: Australian Education Union, New South Teachers Federation Branch Elections for Branch Secretary (1) and Deputy Branch Secretary (4)

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I confirm that the following information is being lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009*.

Signed:

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Dated: 29 May 2015

Offices/Positions

Branch Secretary (Collegiate) (1)
Branch Deputy Secretaries (Collegiate) (4)

Reasons for election:

- Election for offices and positions above are required as the terms of office are due to expire in the normal course of events under the rules of the organisation.

Term of office:

- Term of office commences 27 January 2016 and concludes 28 January 2019. Term of office is 3 years.

Method of election:

- The electorate for collegiate electoral system is by and from the Branch Council as per rules 38.9 (a) and (b).

Dates and time:

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

Yours sincerely



John Dixon
Branch Secretary