



20 June 2017

Mr Rod Brown
Deputy Secretary
Australian Education Union-New South Wales Teachers Federation (NSWTF) Branch
rbrown@nswtf.org.au

Dear Mr Brown,

cc: Ms Susan Hopgood, Federal Secretary, Australian Education Union

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 and Uncontested offices for NSW Branch [E2017/43]. 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 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-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;



Australian Government
Registered Organisations Commission

- 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

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 operation:
 1. [include name of each new branch]
 2. ...
 - CEASED operation:
 1. [include name of each closed branch]
 2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

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)

Dated: [DATE]

[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to regorgs@roc.gov.au .]

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	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
National	1.1.2014	Secretary	Full Name	Full Name	c/- the Registered Organisation, postal address of Registered Organisation	Paid official
	25.12.2013	President	vacant	Full Name	As above	mechanic
...						
NSW	1.1.2014 (resigned) 7.1.2014 (appointed)	President	Full Name	Full Name	c/- the Branch, postal address of the Branch	mechanic
		Committee of Management Member	Full Name	Full Name	As above	mechanic
		Treasurer	Full Name	vacant	vacant	vacant
...						

7 June 2017

Post-election Report

AEU NSWTF

**Alternative Association Representative on
Branch Council**

E2017/43

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Election(s) Covered in this Report

Election Decision No/s: E2017/43

Rules

Rules used for the election: 284V: Incorporates alterations of 16/12/2016{R2016/285}

Rules difficult to apply/interpret: None

Module Rule reference (if any) : N/A

Roll of Voters

Total number of voters on the Roll (for contested offices only): 1073
1073

Number of apparent workplace addresses: 24

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

Other Matters

NIL

Attachments

- 1) Declaration of Results for Uncontested and Contested Offices

A handwritten signature in black ink, appearing to be 'Chris Cox', with a long horizontal stroke extending to the right.

Chris Cox

Returning Officer

7 June 2017

Australian Education Union

Alternative Reps on Branch Council

Declaration of Results for Contested and Uncontested Offices

E2017/43

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.

Blacktown **Alternative Representative on Branch Council**

Candidates

HAJDARPASIC, Ademir

I declare Ademir Hajdarpasic elected.

Canterbury-Bankstown **Alternative Representative on Branch Council**

Candidates

KITONGA, Peter Zakaria

I declare Peter Zakaria Kitonga elected.

Fairfield **Alternative Representative on Branch Council**

Candidates

No nomination was received

No candidates elected.

Illawarra **Alternative Representative on Branch Council**

Candidates

MCDERMOTT, Guy

I declare Guy McDermott elected.

**Manly-Warringah
Alternative Representative on Branch Council**

Candidates

HILL, Daniel

I declare Daniel Hill elected.

Middle Harbour

Total number of names on the roll of voters	1073
Ballot papers issued	1073
Replacement ballot papers issued	0
Total Ballot Papers Issued	1073
Ballot papers / envelopes returned for scrutiny	117
Less ballot papers / envelopes rejected at preliminary scrutiny	2
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	115
Percentage of ballot papers returned to number issued	10
Ballot papers returned as unclaimed mail	8
Ballot papers not returned	948

Alternative Representative on Branch Council

Candidates

First Preference Votes

CAMPBELL, Corinne	79
THOMAS, Andrew	35

Formal ballot papers	114	114
Informal ballot papers	1	1

I declare Corinne Campbell elected.

**Ryde-Macquarie
Alternative Representative on Branch Council**

Candidates

SKINNER, Adam

I declare Adam Skinner elected.

**St. Marys-Mt Druitt
Alternative Representative on Branch Council**

Candidates

No nomination was received

No candidates elected.

**TAFE
Alternative Representative on Branch Council (3)**

Candidates

KOTZ, Brenton
MYERS, John
TOWELL, Peter

I declare Brenton Kotz, John Myers and Peter Towell elected.



Chris Cox
Returning Officer
Australian Electoral Commission

31 May 2017



DECISION

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

Australian Education Union
(E2017/43)

MR ENRIGHT

MELBOURNE, 9 MARCH 2017

Arrangement for conduct of election.

[1] On 23 February 2017 the New South Wales Teachers Federation (NSWTF) Branch of the Australian Education Union lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Alternative Representatives on Branch Council from the following Associations:

Blacktown	1
Canterbury Bankstown	1
Fairfield	1
Illawarra	1
Manly Warringah	1
Middle Harbour	1
Ryde Macquarie	1
St Marys Mt Druitt	1
TAFE	3

The Branch did not lodge the prescribed information before the prescribed day as required by regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. The prescribed information should have been lodged in 2016. In its correspondence dated 23 February 2017, the Deputy Secretary stated the delay was as a result of the deeming of leave arising from elections E2016/159 and E2016/240 and is for the purpose of ensuring that no Association is disenfranchised as a result of the deeming process. I also note that the end of a transitional period within the organisation's rules and insufficient nominations at previous election stages also appear to have contributed to delays.

Notwithstanding the reasons for delay in this matter, the Branch must ensure compliance with its statutory obligations and will be required to implement remedial procedures which provide for an earlier commencement of the election process in the event these issues arise in any future election cycle.

Having considered the reasons for late lodgement, I allow lodgement on 23 February 2017 in this instance.

[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

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New South Wales Teachers Federation
a branch of the Australian Education Union

AEU NSW Teachers Federation Branch ABN 86 600 150 697

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NSW PRESIDENT: Maurie Mulheron • NSW GENERAL SECRETARY: John Dixon



23 February 2017

In reply please quote: GS112/Feb2017/RB:pm

Attention: Regulatory Compliance Branch

General Manager
Fair Work Australia
GPO BOX 1994
MELBOURNE VIC 3001

By Email: orgs@fwc.gov.au

Re: Alternative Association Representatives

PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009*

I, Roderick Brown, being a Deputy Branch Secretary of the Australian Education Union NSW Teachers Federation Branch, make the following statement:

1. I am authorised to sign this statement containing prescribed information for Australian Education Union NSW Teachers Federation 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 set out in the table in Annexure A.
4. In elections E2016/159 and E2016/240 fifteen Branch Professional Officers were elected as Association Representatives to Council and are therefore, in accordance with Rule 26 (7) '*deemed to be on leave from the Branch Council while he or she remains a Branch Professional Officer*'.
5. Where a Branch Professional Officer is deemed to be on leave from Branch Council Rule 26 (8) (b) provides that '*the duties of his or her position on the Branch Council shall be performed by an eligible alternate association representative*'.
6. Annexure B outlines where alternative association representatives occurred in the natural course of the election.
7. This statement **IS NOT** lodged at least 2 months before nominations open for the election as it is the result of the deeming of leave arising from E2016/159 and E2016/240 and is for the purpose of ensuring that no Association is disenfranchised as a result of the deeming process.

Yours sincerely

Rod Brown
Deputy Secretary

ANNEXURE A

Election that is required: Association Representatives on Branch Council – Alternative association representatives

Branch	Name of Office	Number Required	Voting System	Reason for Election	Electorate
NSW	Alternative Association Representative on Branch Council – Blacktown	1	Direct voting system	Branch Professional Officer deemed to be on leave from Branch Council	Members of the association or groups of associations
	Alternative Association Representative on Branch Council – Canterbury Bankstown	1	Direct voting system	Branch Professional Officer deemed to be on leave from Branch Council	Members of the association or groups of associations
	Alternative Association Representative on Branch Council - Fairfield	1	Direct voting system	Branch Professional Officer deemed to be on leave from Branch Council	Members of the association or groups of associations
	Alternative Association Representative on Branch Council –Illawarra	1	Direct voting system	Branch Professional Officer deemed to be on leave from Branch Council	Members of the association or groups of associations
	Alternative Association Representative on Branch Council – Manly Warringah	1	Direct voting system	Branch Professional Officer deemed to be on leave from Branch Council	Members of the association or groups of associations
	Alternative Association Representative on Branch Council – Middle Harbour	1	Direct voting system	Branch Professional Officer deemed to be on leave from Branch Council	Members of the association or groups of associations
	Alternative Association Representative on Branch Council – Ryde Macquarie	1	Direct voting system	Branch Professional Officer deemed to be on leave from Branch Council	Members of the association or groups of associations

Alternative Association Representative on Branch Council – St Marys Mt Druitt	1	Direct voting system	Branch Professional Officer deemed to be on leave from Branch Council	Members of the association or groups of associations
Alternative Association Representative on Branch Council – TAFE	3	Direct voting system	Branch Professional Officer deemed to be on leave from Branch Council	Members of the association or groups of associations

Important dates:

Direct voting system – by and from Associations or Grouped Associations	
Nominations OPEN	<i>To be determined by the Returning Officer in accordance with Rule 36 (3) (a)</i>
Nominations CLOSE	<i>To be determined by the Returning Officer in accordance with Rule 36 (3) (a)</i>
Roll of Voters cut-off date	<i>7 days before nominations open in accordance with Rule 31 (2)</i>

ANNEXURE B

ELECTIONS FOR ALTERNATE COUNCILLORS 2017 – 2018

Officer	Elected	Alternate	Election required
Henry Rajendra	E2016/159 - uncontested	No. Ballot in E2016/240	Yes
Claudia Vera	E2016/159 – contested	Samuel Rosete	No
Jennifer Dive	E2016/240 – uncontested	No	Yes
Amber Flohm	E2016/159 – uncontested	No	Yes
Nicole Calnan	E2016/159 – uncontested	No	Yes
Anna Uren	E2016/159 – contested	Andrew Clifton	No
David Ferguson	E2016/159 – uncontested	No. Uncontested in E2016/240	Yes
Greg Butler	E2016/159 – uncontested	No	Yes
Sam Clay	E2016/240 – contested	Geoffrey Boniface	No
Lenore Hankinson	E2016/159 – uncontested	No	Yes
Michael de Wall	E2016/159 – uncontested	No. Uncontested in E2016/240	Yes
Julie Anne Moon	E2016/240 – contested	Ashleigh Saunders	No
Phillip Chadwick	E2016/159 – uncontested	No. Uncontested in E2016/240	Yes
Robert Long	E2016/159 – uncontested	No. Uncontested in E2016/240	Yes
Katherine Nicholson	E2016/159 – uncontested	No. Uncontested in E2016/240	Yes

26 - EMPLOYMENT OF BRANCH PROFESSIONAL OFFICERS

Extract:

- (6) In the event that a person who is elected as a Branch Professional Officer is, at the time of his or her election, a member of the Branch Council or the Branch Executive:
 - (a) he or she will be deemed to be on leave from his or her position on the Branch Council; and
 - (b) if he or she holds a position on the Branch Executive, he or she will no longer be eligible to hold the position on the Branch Executive.
- (7) A Branch Professional Officer may nominate for and be elected to a position on the Branch Council provided that, if he or she is elected, he or she shall be deemed to be on leave from the Branch Council while he or she remains a Branch Professional Officer.
- (8) Where a member of the Branch Council is deemed to be on leave from the Branch Council:

ANNEXURE B

- (a) he or she will have none of the rights of a member of a Branch Council other than the right to nominate for and vote in elections for the offices of Branch Secretary and Branch Deputy Secretary; and
- (b) the duties of his or her position on the Branch Council shall be performed by an eligible alternative association representative.
- (c) For the purposes of this sub-rule, the eligible alternative representative will be an alternative representative from the association which the Branch Professional Officer was elected to the Branch Council, or if the Branch Professional Officer was elected to the Branch Council by members on the ATSI Members' Roll, an alternate representative of members on that Roll.
- (d) An alternative representative who is performing the duties of a member of the Branch Council in accordance with this sub-rule shall have the right to nominate for and vote in elections for offices elected by and from members of the Branch Council.
- (e) In the event that a Branch Professional Officer who is deemed to be on leave from the Branch Council ceases to be a Branch Professional Officer before the expiration of his or her term of office as a member of the Branch Council, he or she shall resume his or her former position on the Branch Council and the alternative representative who has replaced him or her shall cease being a member of the Branch Council unless he or she has been elected to an office elected by and from members of the Branch Council.

36 - ELECTION OF ASSOCIATION REPRESENTATIVES ON BRANCH COUNCIL

- (1) There shall, in 2016, and every 2 years thereafter, be elections for:
 - (a) Representatives elected by and from members of associations or groups of associations;
 - (b) Alternative representatives of associations elected by and from members of associations or groups of associations; and
 - (c) Representatives elected by and from members on the ATSI Members' Roll......

- (7)
 - (a) The Returning Officer shall, in consultation with the relevant association, group of associations or members on the ATSI Members' Roll determine the number of alternative association representatives to be elected by the association, group of associations or members of the ATSI Member's Roll, as the case may be.
 - (b) The alternative association representatives or alternative representatives of members on the ATSI Members' Roll will be the next person or persons elected after the association representatives or the representatives elected by and from the members on the ATSI Members' Roll, as the case may be, have been declared elected.

- (8)
 - (a) Subject to paragraph (b), a casual vacancy in a position referred to in sub-rule (1) shall be filled by a secret postal ballot of financial members of the relevant association, group of associations or members on the ATSI Members' Roll, as the case may be.

ANNEXURE B

- (b) If the unexpired term of the position does not exceed three quarters of the term, the association, or group of associations which the vacancy has occurred may, at a meeting of members, appoint a financial member from the association or group of associations to fill the casual vacancy.
- (c) Where an election is required to fill a casual vacancy, the election shall be conducted in accordance with this rule subject to any modifications necessary to meet the circumstances.
- (d) A person elected or appointed, to fill a casual vacancy shall take office from the declaration of his or her election or on his or her appointment and hold office until the expiration of the term of the person replaced or until a successor takes office.