



DECISION

Fair Work (Registered Organisations) Act 2009

s.183—Application for organisation or branch to conduct its elections for office

Australian Education Union-New South Wales Teachers Federation Branch (E2020/225)

MR ENRIGHT

MELBOURNE, 9 FEBRUARY 2021

Application for organisation or branch to conduct its elections for office.

[1] On 3 December 2020, the New South Wales Teachers Federation Branch (**the Branch**) of the Australian Education Union (**AEU**) lodged with the Registered Organisations Commission (**ROC**) an application, pursuant to section 183(1) of the *Fair Work (Registered Organisations) Act 2009* (**RO Act**), to be exempted from subsection 182(1) – being the requirement that the Australian Electoral Commission (**AEC**) conducts elections for office in registered organisations.

[2] The application is in respect of the collegiate election for the offices of Branch Vice Presidents, Branch Custodians, Representative of Aboriginal and Torres Strait Islander Members, and Association Representatives.

[3] The application indicated that it was made by the Branch following advice from the AEC that it could not conduct the collegiate election in the timeframe sought by the Branch, in accordance with its rules. It is apparent that this situation was a consequence of the suspension of industrial elections by the AEC, arising from the COVID-19 pandemic, and the subsequent delay to industrial elections when they recommended in late 2020.

Legislation

[4] Section 186 of the RO Act empowers the Registered Organisations Commissioner (**the Commissioner**) to grant exemptions from the requirement that the AEC conduct elections for office.

[5] Section 186(1) of the RO Act provides that:

Where an application in relation to an organisation or branch has been lodged under subsection 183(1) and, after any objections duly made have been heard, the Commissioner is satisfied:

(a) that the rules of an organisation or branch comply with the requirements of this Act relating to the conduct of elections for office; and

(b) that, if the organisation or branch is exempted from subsection 182(1), the elections for the organisation or branch, or the election for the particular office, as the case may be, will be conducted:

- (i) under the rules of the organisation or branch, as the case may be, and this Act; and*
- (ii) in a manner that will afford members entitled to vote at such elections or election an adequate opportunity of voting without intimidation;*

the Commissioner may exempt the organisation or branch from subsection 182(1) in relation to elections for the organisation or branch, or the election for the particular office, as the case may be.

[6] Section 183(2) of the RO Act requires that:

- (a) An application may not be made by a committee of management of an organisation or branch of an organisation unless the committee of management: has resolved to make the application; and*
- (b) has notified the members of the organisation or branch, as prescribed, of the making of the resolution.*

[7] Regulation 133(2) of the *Fair Work (Registered Organisations) Regulations 2009 (the RO Regulations)* provides that, for section 183(2)(b) of the RO Act:

a member of an organisation or branch is notified of the making of the resolution if:

- (a) the member is given a copy of the resolution; or*
- (b) a notice of the making of the resolution is published:*
 - (i) if the organisation or branch published a journal that is circulated among its members--in the next journal; and*
 - (ii) if the organisation or branch has a web site--on that web site within 14 days after the resolution is made.*

[8] Section 183(3) of the RO Act requires that:

An application under subsection (1) must be accompanied by a declaration by a member of the committee of management concerned stating that subsection (2) has been complied with.

[9] Regulation 133(1) of the RO Regulations prescribes that an application must:

- (a) be in writing; and*
- (b) state the grounds for seeking the exemption; and*
- (c) contain a declaration signed by a member of the committee of management verifying the facts set out in the application; and*
- (d) be lodged with the Commissioner.*

[10] Applications for exemption must be advertised. Relevantly, section 183(4) of the RO Act requires that:

Where an application has been made under subsection (1), the Commissioner must cause a notice setting out details of the application to be published, as prescribed, for the

purpose of bringing the notice to the attention of members of the organisation or branch concerned.

[11] Section 184 of the RO Act states that:

(1) Objection may be made to an application under subsection 183(1) by a member of the organisation or branch of the organisation in relation to which the application was made.

(2) The Commissioner must, as prescribed, hear the application and any objections duly made.

[12] Regulation 135(1) of the RO Regulations provides that:

(1) An objection under subsection 184(1) of the Act may be made by lodging a notice of objection with the FWC no later than 28 days after the publication of the notice mentioned in subregulation 134(1).

[13] Regulation 136 of the RO Regulations states:

(1) The Commissioner must:

- (a) fix a time and place for hearing the application and any objection; and*
- (b) notify the applicant and any objector of the time and place so fixed.*

(2) At the hearing, the Commissioner must:

- (a) hear the applicant and any objector if they are present and wish to be heard; and*
- (b) decide the matter.*

[14] Section 343B of the RO Act provides that the Commissioner may delegate particular powers and functions. By an instrument of delegation dated 10 November 2020 (replacing an earlier instrument dated 5 May 2017), the Commissioner has delegated to me a range of functions, including those in relation to dealing with applications for exemption from AEC-conducted elections, excluding the function under s.183(4) which is non-delegable.

Application

[15] The application lodged on 3 December 2020 included a statutory declaration signed by John Dixon, General Secretary of the Branch, setting out the grounds for seeking the exemption. The declaration stated that the Branch Council had resolved, at its meeting on 1 December 2020, to make the application and provided a copy of the resolution. The statutory declaration also declared that members of the Branch had been notified on 3 December 2020, via email, of the making of the resolution to apply for the exemption.

[16] On 11 December 2020, following the Commissioner having made the necessary arrangements, a notice was published in the *Sydney Morning Herald* newspaper, setting out the details of the application, for the purpose of bringing the notice to the attention of AEU members.

[17] The notice provided for any objectors to lodge notices of objections with the Fair Work Commission (FWC) and with the ROC no later than 28 days after the notice was published. No notices of objections have been lodged.

[18] On 15 January 2021, staff of the ROC notified the Branch, via email, that no notices of objection had been lodged with either the FWC or the ROC. The email communication also invited the Branch to provide written submissions in relation to the exemption application by 29 January 2021.

[19] On 21 January 2021, the Branch was notified that the hearing of the Branch's application would take place on 4 February 2021.

[20] On 29 January 2021, the Branch lodged written submissions, via email, in support of the application.

[21] In its submissions, the Branch outlined that the application to conduct its own collegiate election related only to those offices elected by, and from, members of the Branch Council. The submissions outlined that this collegiate election follows the direct election conducted by the AEC for the election of the offices of Branch Councillors (**E2020/101**).

[22] The application and submissions also indicated that the Branch intends to conduct the collegiate election by secret ballot on the same day as the first Branch Council meeting following the close of nominations. That meeting is scheduled for 31 March 2021, with the outcome of the election expected the same day.

[23] The Branch further submitted that, if this application was successful, it would appoint a Returning Officer at the Branch Council's 19 February 2021 meeting. The Branch has foreshadowed appointing Mr Neale Dawson to act as the Returning Officer for the collegiate election in the event that the exemption application is granted. The Branch submitted that Mr Dawson has substantial previous experience in conducting elections as a Returning Officer, both for another registered organisation which holds an exemption from AEC-conducted elections, as well as for large State-registered employee associations. It is submitted that these factors will ensure that the collegiate election will be conducted appropriately.

[24] The Branch submitted that Mr Dawson's appointment complies with section 143(b) of the RO Act in that he is not the holder of any office in, or an employee of, the organisation or a branch, section or division of the organisation.

[25] The Branch also submitted that if its application was granted, the collegiate election would be conducted in accordance with its rules and the RO Act, and in a manner that will afford members entitled to a vote an adequate opportunity, without intimidation, to do so in a secret ballot.

[26] On 4 February 2021, I conducted a tele-conference hearing in which the Branch was represented by Maree O'Halloran, solicitor, and John Dixon, General Secretary of the Branch. I was also assisted by Mr Bill Steenson, the ROC's Principal Solicitor Compliance.

[27] Oral submissions were presented at the hearing and responses were given to questions that I raised with the Branch's representatives during the hearing. The Branch's submissions drew attention to rule 32 (dealing with 'in person' ballots) and rule 38 (dealing with the election of the Branch Executive offices, which are the subject of this application). The Branch's oral submissions also outlined details of how it is proposed that the Returning Officer would conduct the election if the exemption were granted, including that it proposed to conduct the ballot on the same date as a Branch Council meeting, and that the ballot will be conducted in a secure

location. The Branch also noted that there are provisions in the Branch rules to allow the election to be conducted in an alternative manner if required, for example via a postal ballot.¹

[28] The oral submissions also clarified that the application for exemption – while prompted by the AEC being unable to conduct the 2021 Branch Executive election in the timeframe sought by the Branch – is sought on an ongoing, rather than ‘one off’ basis. The holding of an exemption is, of course, subject to the Commissioner remaining satisfied that the matters in section 186(1) are complied with by the entity holding the exemption.

[29] I also note that the wording of rule 30 of the Branch rules, dealing with the appointment of a Returning Officer, already makes provision for both an AEC-appointed Returning Officer and for circumstances where an AEC Returning Officer may not be required. The Branch submitted that rule 30 would be sufficient to accommodate circumstances where an exemption from an AEC-conducted election is approved, and that it could also be used to appoint another Returning Officer if, in the event that the application is granted, the person appointed by the Branch was unable or unwilling to carry out the role. I accept that submission.

[30] On the basis of the material in the application and the additional material provided by the Branch, including at the hearing, I am satisfied that the application has complied with section 183 of the RO Act, and with the RO Regulations.

[31] I am also satisfied that the rules of the AEU and of the Branch comply with the requirements of the RO Act relating to the conduct of elections for office, and that if exempted from subsection 182(1), I am satisfied that Branch will conduct the collegiate election under the rules of the AEU and the Branch, and in a manner which will afford members entitled to vote at the collegiate election an adequate opportunity of voting without intimidation.

[32] The Branch has submitted that the issuing of this exemption will assist its effectiveness and accountability to its members. Under section 186(1) of the RO Act, I hereby grant the application made by Branch and exempt it from subsection 182(1) of the RO Act in relation to collegiate elections for the offices of Branch Vice Presidents, Branch Custodians, Representative of Aboriginal and Torres Strait Islander Members, and Association Representatives.



DELEGATE OF THE COMMISSIONER

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¹ While s.144(1) of the RO Act requires a postal ballot for elections using a direct voting system (unless a postal ballot exemption is granted by the FWC), it is not mandatory for a collegiate stage election (i.e. an election by and from officers) such as the election that is the subject of this application.



New South Wales Teachers Federation

a branch of the Australian Education Union
AEU NSW Teachers Federation Branch ABN 86 600 150 697



3 December 2020

779/2020/MS:bdcb

Mr Mark Bielecki
Commissioner
Registered Organisations Commission
GPO Box 2983
Melbourne VIC 3001

Via email: regorgs@roc.gov.au

Dear Commissioner Bielecki,

RE: Branch Executive Election – E2020/161

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

1. This application, made pursuant to section 183(1) of the *Fair Work (Registered Organisations) Act 2009* (the Act), is for an exemption from subsection 182(1) – the requirement that the Australian Electoral Commission (AEC) conducts elections in relation to a collegiate election for the Branch Executive.
2. In accordance with the Branch's Rule 14 *Composition of Branch Executive*, four (4) Branch Vice-Presidents, two (2) Branch Custodians, one (1) representative of members on the Aboriginal and Torres Strait Islander Members' roll, and eight (8) representatives from Associations are elected annually by and from the Branch Council.
3. Prescribed information for this election was lodged on 5 August 2020 and a decision from the Fair Work Commission handed down on 26 August 2020 (Annexure 1).
4. A postal ballot for the Branch Council election (E2020/101) conducted by the AEC closes on 11 January 2021 and the AEC have indicated they will declare results before 21 January 2021. This is the electorate for the Branch Executive election.
5. The AEC ordinarily conducts the Branch Executive election at the first Branch Council meeting of each year but has indicated they will not be conducting in person ballots at this time. Additionally, the timing of the Branch Council election does not allow for Rule 38 *Election of Branch Executive* to be observed in relation to this ballot.
6. To ensure good governance, and to replace three (3) Branch Executive members who are retiring, this election could take place at the Branch Council Meeting on March 20, 2021 by secret ballot with a result known almost immediately.
7. The Committee of Management (Branch Executive) resolved to make this application at its meeting on 1 December 2020.
8. The resolution, outlined below, was placed on the Branch website's election page: <https://www.nswtf.org.au/pages/elections> following the meeting on 1 December 2020.

The Australian Education Union NSW Teachers Federation Branch Executive resolve to make an application, pursuant to section 183(1) of the Fair Work (Registered Organisations) Act 2009, for an exemption from subsection 182(1) – the requirement that

the Australian Electoral Commission (AEC) conducts elections in relation to a collegiate election for the Branch Executive.

In accordance with Branch Rule 14 Composition of Branch Executive, four (4) Branch Vice-Presidents, two (2) Branch Custodians, one (1) representative of members on the Aboriginal and Torres Strait Islander Members' roll, and eight (8) representatives from Associations are elected annually by and from the Branch Council. The intent of seeking an exemption is so the Branch Returning Officer can conduct the election.

9. Members were also emailed on 3 December 2020 to advise them that the application was being made (Attachment 2).
10. Mr Neale Dawson is currently the Branch Returning Officer appointed by Branch Council in accordance with Rule 30 *Branch Returning Officer*. It is the intention of the Branch Executive to recommend that Mr Dawson be reappointed at the first Branch Council meeting of the year, 20 February 2021.
11. Mr Dawson has been the Branch Returning Officer for twelve (12) years and has previous experience in conducting elections as a Returning Officer with approval from the NSW Industrial Registrar. This combined experience will ensure that the collegiate election will be conducted appropriately.
12. Mr Dawson's appointment complies with section 143(b) of the RO Act in that he is not the holder of any office in, or an employee of, the organisation or a branch, section or division of the organisation.
13. If granted, the collegiate election will be conducted by the Branch Returning Officer:
 - a. in accordance with the Branch Rules, specifically Rule 38 *Election of Branch Executive*;
 - b. in a manner that will afford members entitled to a vote an adequate opportunity to do so without intimidation in a secret ballot; and
 - c. at the Branch Council meeting scheduled for no earlier than 20 March 2021 to ensure the timeframes in Rule 38 can be met.
14. The relevant Rules – 14, 30 and 38 – are extracted in Annexure 3.
15. I note that I had a telephone discussion with Mr Chris Enright to discuss this application in advance of the Branch Executive considering the motion.

Yours sincerely



John Dixon
General Secretary

[2020] ROCD 133



Australian Government
Registered Organisations Commission

DECISION

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

Australian Education Union
(E2020/161)

MR ENRIGHT

MELBOURNE, 26 AUGUST 2020

Arrangement for conduct of election.

[1] On 5 August 2020 the Australian Education Union New South Wales Teachers Federation Branch lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Branch Vice President	(4)
Branch Custodians	(2)
Representative of members on the ATSI Members' Roll	(1)
Association Representatives	(8)

[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 COMMISSIONER

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The Australian Electoral Commission (AEC) has advised that they will not be conducting in person elections in the first half of 2021.

This will impact the Executive election which is ordinarily conducted by the AEC at the first Branch Council meeting of the year.

Federation Executive, at their meeting on 1 December, resolved the following:

The Australian Education Union NSW Teachers Federation Branch Executive resolve to make an application, pursuant to section 183(1) of the Fair Work (Registered Organisations) Act 2009, for an exemption from subsection 182(1) – the requirement that the Australian Electoral Commission (AEC) conducts elections in relation to a collegiate election for the Branch Executive.

In accordance with Branch Rule 14 Composition of Branch Executive, four (4) Branch Vice-Presidents, two (2) Branch Custodians, one (1) representative of members on the Aboriginal and Torres Strait Islander Members' roll, and eight (8) representatives from Associations are elected annually by and from the Branch Council. The intent of seeking an exemption is so the Branch Returning Officer can conduct the election.

If successful, this will allow the Federation's Branch Returning Officer to conduct the Executive election in person when the Branch Council is able to have a face-to-face meeting.

Updates on the application will be made available on [Federation's website](#).

Regards,

John Dixon

General Secretary

Authorised by John Dixon, General Secretary

NSW Teachers Federation

23-33 Mary St

Surry Hills, NSW 2010



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14 - COMPOSITION OF BRANCH EXECUTIVE

- (1) There shall be a Branch Executive which shall consist of:
 - (a) The Branch Presidential Officers, namely, the Branch President, the Branch Deputy President and the Branch Senior-Vice President;
 - (b) The 4 Branch Vice-Presidents;
 - (c) The 2 Branch Custodians;
 - (d) One Member of the Branch Council who is a representative of members on the ATSI Members' Roll; and
 - (e) 8 Association representatives.
- (2) The 4 Branch Vice-Presidents, the 2 Branch Custodians, the representative of members on the ATSI Members' Roll and the 8 association representatives shall be elected annually by and from the Branch Council at the first Branch Council meeting of the year in accordance with rule 38.
- (3) The Branch Secretary and the Branch Deputy Secretaries shall attend meetings of the Branch Executive but shall not be entitled to vote or be counted in determining whether a quorum is present.

30 - BRANCH RETURNING OFFICER

- (1) A reference in these Rules to the Branch Returning Officer shall be a reference to the returning officer appointed by the Australian Electoral Commission or a Returning Officer or Assistant Returning Officer appointed by the Branch Council at its first meeting each year to conduct elections in accordance with an exemption given in accordance with section 186 of the FW (RO) Act, or to perform functions allocated to a Returning Officer or an Assistant Returning Officer not undertaken by the Australian Electoral Commission.
- (2)
 - (a) A Returning Officer or Assistant Returning Officer appointed by the Branch Council shall not, during the term of his or her office, be an employee of or holder of any office within the Union or the Branch or a candidate in any election within the Union or the Branch and shall not be eligible to nominate any candidate for any election under the Federal Rules or the Federal Branch Rules and shall hold office until his or her successor is appointed.
 - (b) If the Returning Officer is unable to undertake his or her duties as and when required or if there is a casual vacancy in his or her office, the Branch Executive shall appoint an acting Returning Officer provided that no person so appointed shall be the holder of any other office or be an employee of, or a candidate for any other office in the Union or a Branch, Section or Division of the Union.
- (3) The Branch Returning Officer, and/or Assistant Branch Returning Officer under the direction of the Branch Returning Officer, shall take such actions and give such directions as are reasonably necessary in order to ensure that no irregularities occur in or in connection with an election or in order to rectify any procedural defects and no person shall refuse or fail to comply with such directions or obstruct or hinder a Branch Returning Officer or any other person in the conduct of an election or in the taking of any such action.
- (4) The decision of the Branch Returning Officer shall be final and binding regarding any matter touching the validity or normality of any nomination or vote or any matter touching or concerning such an election and the conduct hereof. The decision of the Assistant Branch Returning Officer on

Annexure 3

any such question shall be subject to review by the Branch Returning Officer whose determination shall be final and binding.

- (5) If, at any time prior to the declaration of the election an irregularity should occur in the conduct of the election, which in the opinion of the Branch Returning Officer may affect the result of such election, the Branch Returning Officer shall declare void the election or, where appropriate any step in or in connection with the election.
- (6) Where the Branch Returning Officer has made a declaration pursuant to sub-rule (5) he/she shall hold another election or take whatever steps are required to be taken again and then proceed with the uncompleted steps in the election.
- (7) In exercising powers pursuant to sub-rule (6) the Branch Returning Officer may, subject to the FW (RO) Act, waive the requirements of the rules to the extent necessitated by the practicalities of the situation.
- (8) Where the Branch Returning Officer has made a declaration pursuant to sub-rule (5) in respect to an election for an office the person holding that office immediately prior to that election shall remain in office until his/her successor is elected.

38 - ELECTION OF BRANCH EXECUTIVE

- (1) Apart from the election of the Branch Secretary and the Branch Deputy Secretaries, members of the Branch Executive shall be elected annually by and from the members of the Branch Council.
- (2) Subject to Federal Branch Rule 38(10)(b) a Branch Professional Officer, who is deemed to be on leave from the Branch Council in accordance with Rule 26(6) shall not be entitled to nominate and vote in Branch Executive elections.

Commonwealth of Australia
STATUTORY DECLARATION
Statutory Declarations Act 1959

1 *Insert the name, address and occupation of person making the declaration*

I, ¹John Dixon, Branch Secretary of the AEU New South Wales Teachers Federation Branch of 23-33 Mary Street, Surry Hills NSW 2010 make the following declaration under the *Statutory Declarations Act 1959*:

2 *Set out matter declared to in numbered paragraphs*

²In accordance with s183 of the *Fair Work (Registered Organisations) Act 2009* and Regulation 133 (1)(c) of the *Fair Work Registered Organisations Regulations* I verify the facts set out in the application to the Registered Organisations Commission for the Branch to conduct its own elections for office.

1. This application, made pursuant to section 183(1) of the *Fair Work (Registered Organisations) Act 2009* (the Act), is for an exemption from subsection 182(1) – the requirement that the Australian Electoral Commission (AEC) conducts elections in relation to a collegiate election for the Branch Executive.
2. In accordance with the Branch's Rule 14 *Composition of Branch Executive*, four (4) Branch Vice-Presidents, two (2) Branch Custodians, one (1) representative of members on the Aboriginal and Torres Strait Islander Members' roll, and eight (8) representatives from Associations are elected annually by and from the Branch Council.
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6. To ensure good governance, and to replace three (3) Branch Executive members who are retiring, this election could take place at the Branch Council Meeting on March 20, 2021 by secret ballot with a result known almost immediately.
7. The Committee of Management (Branch Executive) resolved to make this application at its meeting on 1 December 2020.
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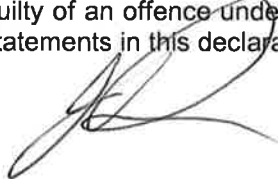
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11. Mr Dawson has been the Branch Returning Officer for twelve (12) years and has previous experience in conducting elections as a Returning Officer with approval from the NSW Industrial Registrar. This combined experience will ensure that the collegiate election will be conducted appropriately.
12. Mr Dawson's appointment complies with section 143(b) of the RO Act in that he is not the holder of any office in, or an employee of, the organisation or a branch, section or division of the organisation.
13. If granted, the collegiate election will be conducted by the Branch Returning Officer:
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 - c. at the Branch Council meeting scheduled for no earlier than 20 March 2021 to ensure the timeframes in Rule 38 can be met.
14. The relevant Rules – 14, 30 and 38 – are extracted in Annexure 3.
15. I note that I had a telephone discussion with Mr Chris Enright to discuss this application in advance of the Branch Executive considering the motion.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 Signature of person making the declaration

3



4 [Optional: email address and/or telephone number of person making the declaration]

4

5 Place
6 Day
7 Month and year

Declared at ⁵ *Surry Hills* on ⁶ *3rd* of ⁷ *December 2020*

Before me,

8 Signature of person before whom the declaration is made (see over)

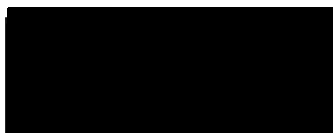
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9 Full name, qualification and address of person before whom the declaration is made (in printed letters)

9

*MELISSA SMITH
J.P for NSW 179419*



Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

Note 2 Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

A statutory declaration under the *Statutory Declarations Act 1959* may be made before—

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Architect	Chiropractor	Dentist
Financial adviser	Financial Planner	Legal practitioner
Medical practitioner	Midwife	Migration agent registered under Division 3 of Part 3 of the <i>Migration Act 1958</i>
Nurse	Occupational therapist	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Accountant who is:

- a) a fellow of the National Tax Accountants' Association; or
- b) a member of any of the following:
 - i. Chartered Accountants Australia and New Zealand;
 - ii. the Association of Taxation and Management Accountants;
 - iii. CPA Australia;
 - iv. the Institute of Public Accountants

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public

APS employee engaged on an ongoing basis with 5 or more years of continuous service who is not specified in another item in this list

Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)

Bailiff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of a Commonwealth authority engaged on a permanent basis with 5 or more years of continuous service who is not specified in another item in this list

Employee of the Australian Trade and Investment Commission who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and
- (c) exercising the employee's function at that place

Employee of the Commonwealth who is:

- (a) at a place outside Australia; and
- (b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and
- (c) exercising the employee's function at that place

Engineer who is:

- a) a member of Engineers Australia, other than at the grade of student; or
- b) a Registered Professional Engineer of Professionals Australia; or
- c) registered as an engineer under a law of the Commonwealth, a State or Territory; or
- d) registered on the National Engineering Register by Engineers Australia

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of the Australian Defence Force who is:

- a) an officer
- b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service
- c) a warrant officer within the meaning of that Act

Member of the Australasian Institute of Mining and Metallurgy

Member of the Governance Institute of Australia Ltd

Member of:

- a) the Parliament of the Commonwealth
- b) the Parliament of a State
- c) a Territory legislature
- d) a local government authority

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public, including a notary public (however described) exercising functions at a place outside

- a) the Commonwealth
- b) the external Territories of the Commonwealth

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office providing postal services to the public

Permanent employee of

- a) a State or Territory or a State or Territory authority
- b) a local government authority

with 5 or more years of continuous service, other than such an employee who is specified in another item of this list
Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made
Police officer
Registrar, or Deputy Registrar, of a court
Senior executive employee of a Commonwealth authority
Senior executive employee of a State or Territory
SES employee of the Commonwealth
Sheriff
Sheriff's officer
Teacher employed on a permanent full-time or part-time basis at a school or tertiary education institution