



GPO Box 21  
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Level 7, TCG Centre  
80 Mitchell Street  
DARWIN NT 0800

**Reference:** D2010/15

**Contact:** Chris Roper  
**Phone:** 08 8982 8018  
**Facsimile:** 08 8982 8025  
**E-mail:** [chris.roper@aec.gov.au](mailto:chris.roper@aec.gov.au)

Adam Lampe  
Branch Secretary  
Australian Education Union  
PO Box 41863  
CASUARINA NT 0811

**Post Election Report For: Australian Education Union – NT Branch  
Election E2010/2581**

I refer to the above election for your organisation.

Section 197(1) of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to the Industrial Registrar and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of the Fair Work (Registered Organisations) Act 2009 requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to '[industrial.elections@aec.gov.au](mailto:industrial.elections@aec.gov.au)' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the Fair Work (Registered Organisations) Regulations 2009 requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Chris Roper  
Returning Officer

30 August 2010



**Fair Work (Registered Organisations) Act 2009  
POST ELECTION REPORT**

**Client:** Australian Education Union

**Contact details:** Adam Lampe  
Branch Secretary  
NT Branch

**FWA contact officer:** Scott Shepherd

**Email:** secretary@aeunt.org.au  
**Tel:** 08 8948 5399

**Email:** industrial.elections@fwa.gov.au  
**Tel:** 03 8661 7926

**ELECTION COVERED IN THIS REPORT**

Election Decision No: 2010/2581

**RULES**

Rules used for the election: 284V: Incorporates alterations of 02/10/2009 – R2009/10057

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

**ROLL OF VOTERS**

Total number of voters on the roll: 1904

Number of apparent workplace addresses: 540

Number of non-current addresses: None

Other matters pertaining to the roll of voters: None

**ALLEGATIONS OF IRREGULARITIES RECEIVED**

Two separate enquiries were received by the AEC requesting our opinion as to whether there was a misuse of union resources. The AEC determined that in both cases there was no misuse of union resources.

Other irregularities identified and action taken: None

**ATTACHMENT**

Declaration of Results

Chris Roper  
Returning Officer

30 August 2010

# Australian Education Union Northern Territory Branch

## DECLARATION OF RESULTS FOR CONTESTED OFFICE

Results of the election for the following office conducted in accordance with the provisions of the Fair Work (Registered Organisations) Act 2009 and the rules of the organisation.

### E2010/2581

Total number of persons on the roll of voters	1904
Ballot papers issued	1904
Duplicate ballot papers issued	17
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>1921</b>
Ballot papers / envelopes returned for scrutiny	483
Less ballot papers / envelopes rejected at preliminary scrutiny	11
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>472</b>
Percentage of ballot papers returned to number issued	25%
Ballot papers returned as unclaimed mail	38
Ballot papers not returned	1400

### Branch Secretary (1)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
CLISBY, Peter	245	245
LAMPE, Adam	223	223
Total votes	468	468
Formal ballot papers	468	468
Informal ballot papers	4	4

I declare Peter Clisby elected.

Chris Roper  
Returning Officer  
Australian Electoral Commission

12 August 2010



## DECISION

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

**Australian Education Union**  
(E2010/2581)

T. NASSIOS

MELBOURNE, 20 MAY 2010

*Arrangement for conduct of election.*

[1] On 11 and 18 May 2010 the Northern Territory Branch of the abovenamed organisation lodged with Fair Work Australia the prescribed information in relation to an election for the following office:

Branch Secretary

[2] I am satisfied that an election for the abovenamed office 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  
FAIR WORK AUSTRALIA

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<Price code A, 997328 >



Ref: 110510043

10 May 2010

Manager  
Fair Work Australia  
GPO Box 969, Darwin, 0801

Dear Manager,

**RE: 2010 AEU-NT Election for Branch Secretary Position**

In accordance with Section 189(1) of the RAO Fair Work Australia Act 2009, I wish to lodge the following prescribed information in relation to an election which is required to be held for the undermentioned office in this Union.

In accordance with AEU-NT rule numbers 108(c), 109 and 110 – given below – I would seek that you initiate election proceedings for the position of AEU-NT **Branch Secretary**.

The relevant AEU-NT rules are:

**108(c)** The Branch Secretary shall be elected for a term of 3 years by secret postal ballot

**109 - NOMINATIONS - BRANCH EXECUTIVE**

Nominations for positions on Branch Executive shall be called in accordance with this Rule

-

(a) The Returning Officer shall call for nominations not later than 22nd July. The closing date for nominations shall be 5.00 p.m. on the 21st day of August;

(b) Nominations shall be in writing, signed by 2 financial members and by the candidate as acceptance of the nomination;

- (c) The Returning Officer shall call for nominations by sending to all Sub- Branches a notice which shall specify the following:-
- (i) the designations of the positions for which nominations are being called and the number of positions to be filled in respect of each designation;
  - (ii) the address to which nominations are to be forwarded (for this purpose the Returning Officer shall rent a post office box in Darwin);
  - (iii) the time and date of closure of nominations;
  - (iv) that a nomination to be valid shall be signed by at least 2 financial members other than the member nominated and by the latter to indicate that she/he consents to the nomination;
  - (v) that a separate form of nomination must be submitted in respect of each position for which a member is nominated;
- (d) A Returning Officer shall only accept a nomination for Branch Executive positions which comply with the requirements of these Rules. When she/he received a defective nomination, she/he shall forthwith notify the person concerned of the defect and, where it is practicable to do so, give him/her the opportunity of remedying the defect which shall, where practicable, be not less than 7 days after his/her so being notified;
- (e) Subject to (d) a Returning Officer shall notify all candidates of the acceptance or rejection of their nominations.

#### **110 - BALLOT - BRANCH EXECUTIVE**

The ballot for Branch Executive positions shall be held in accordance with this rule.

- (a) On the closing of nominations, the Returning Officer shall cause a ballot paper to be printed in respect of those positions for which an election is necessary. Such ballot paper may contain provision for voting for more than one position or separate ballot papers may be prepared in respect of each contested position. A ballot paper shall:
- (i) list candidates for each position in the order determined by lot by the Returning Officer and state the position for which they are candidates;
  - (ii) include instructions on how to vote;
  - (iii) state the date and time of closing of the ballot and the postal address to which the ballot paper shall be returned.
- (b) All members who are financial members of the Union attached to the Branch at the date of closing of the roll of voters shall be eligible to vote. The Branch

Secretary, shall provide the Returning Officer with a list of such members showing the full name and address and place of employment of each member.

(c) Not later than 14th September the Returning Officer shall forward by prepaid post to each financial member a ballot paper in respect of each position to be voted on. Such envelope shall also contain a smaller declaration envelope in which the voter shall place his/her completed ballot paper or papers and a larger pre-addressed envelope for return to the Returning Officer. Both envelopes shall be in the form prescribed by the regulations made under Schedule 1B of the Workplace Relations Act 1996.

(d) Ballot papers shall be returned to the Returning officer not later than 5.00 p.m. on 15th October. Only ballot papers then received by the Returning Officer shall be included in the count.

The reason for the election is that the term of office of the current Branch Secretary expires on 26 June 2010.

Note that the dates as given in 109(a), 110(c) and 110(d) are not relevant in this case, because the AIRC ruled that the election for Branch Secretary's position in 2007, which occurred as a result of the mid-term resignation of the then Branch Secretary, was for a full three year term, not for the remainder of the term.

The AEC declared the 2007 ballot on June 26, 2007, hence the need for an election for the Branch Secretary's position in 2010.

You should have some correspondence on file regarding this.

The ballot, including the appointment of a Returning Officer, will be conducted through the Australian Electoral Commission.

The voting system in relation to the election of Branch Secretary shall be a **direct voting system**.

105(a)(ii) of the AEU-NT rules states:

Financial Members only shall be eligible to vote at any election or any meeting or in any plebiscite; provided that the roll of voters for any election to be conducted pursuant to these rules is to be closed seven days before the day on which nominations are opened in relation to all elections by a direct voting system for offices in the Branch.

Hence, **the roll of voters** for this election will be closed seven days before the day nominations open.

Please contact me if you further wish to discuss these matters.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "A. Lampe". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Adam Lampe  
Secretary, AEU-NT





Ref: 110510043

10 May 2010

Manager  
Fair Work Australia  
GPO Box 969, Darwin, 0801

Dear Manager,

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Adam Lampe  
Secretary, AEU-NT