

**Australian Education Union
Northern Territory Branch**

DECLARATION OF RESULTS FOR CONTESTED AND UNCONTESTED OFFICES

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.

E2012/399

Total number of persons on the roll of voters	1756
Ballot papers issued	1710
Duplicate ballot papers issued	4
TOTAL BALLOT PAPERS ISSUED	1714
Ballot papers / envelopes returned for scrutiny	243
Less ballot papers / envelopes rejected at preliminary scrutiny	6
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	237
Percentage of ballot papers returned to number issued	14%
Ballot papers returned as unclaimed mail	52
Ballot papers not returned	1419

Women's Officer (1)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
CURTIS, Pene	80	80
BALDWIN, Melanie	151	151
Total votes	231	231
Formal ballot papers	231	231
Informal ballot papers	6	6

I declare Melanie Baldwin elected.

Executive Councillor representing Indigenous Teachers & Indigenous Education Workers (1)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
JOHNSON, Doris Jane	Excluded - 38	0
BROWN, Cassandra	106	112
UIBO, Selena	84	92
Exhausted Votes		24
Total votes	228	204
Formal ballot papers	228	228
Informal ballot papers	9	9

I declare Cassandra Brown elected.

Treasurer (1)

Candidate
DANVERS, Julie

I declare Julie Danvers elected.

Chris Roper
Returning Officer
Australian Electoral Commission

16 April 2013



FAIR WORK
AUSTRALIA

DECISION

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

Australian Education Union
(E2012/399)

AILS A CARRUTHERS

MELBOURNE, 21 NOVEMBER 2012

Arrangement for conduct of election.

[1] On 31 October 2012 the Australian Education Union - Northern Territory Branch lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

Treasurer (insufficient nominations in E2012/283)
Executive Councillor representing Indigenous teachers and Indigenous education workers in schools and educational institutions (insufficient nominations in E2012/283)
Women's Officer (casual vacancy)

[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
FAIR WORK AUSTRALIA

Printed by authority of the Commonwealth Government Printer

<Price code A, PR531576 >



Ref: 3110120122

31th October 2012

Manager
Fair Work Australia
GPO Box 1994, Melbourne, 3001

Dear Manager,

RE: 2012 AEU-NT Election

Please find attached the AEC Declaration of Results for the 2012 AEU NT Elections and Resignation email from Rosie Lawrence.

In particular I refer to the positions of Executive Councilor representing Indigenous teachers and Indigenous education workers in schools and educational institutions, Treasurer and Womens Officer.

There were no accepted nominations for Executive Councilor representing Indigenous teachers and Indigenous education workers in schools and educational institutions. I find no reference in the AEU NT rules which specifically advise me how this position is now to be filled. I believe it appropriate that rule 108 (e) applies and as such a new election must be called in order that this position be filled.

The position of Treasurer is now unfilled as the only nominee, Mr Stephen Pelizzo, has been elected to the higher position of Vice President (General). I have referred to Rules 117- Insufficient Nominations, 118- Casual Vacancy and 27- Branch Conference and Branch Executive – Filling Casual Vacancy. The application of these rules to address this situation will in my opinion give rise to outcomes that are not consistent with the overarching intention of the rules that the position of Treasurer be filled through democratic election by the AEU NT membership. This should be considered in the context of an election being necessary anyway to fill the Indigenous representative position. It would be sensible to add the Treasurer position to the other and allow all financial members to decide. If this vacancy were filled as a casual vacancy it would lead to a further election at Regional Council level to fill the Executive Councilor position that subsequently becomes vacant. In the context of an election being held for the Indigenous representative the AEU NT membership might justifiably consider this a denial of the democratic process.

The position of Womens Officer was won by Ms Rosie Lawrence who has informed me that she has no intention of taking up the position. Her resignation is attached for

your reference. Ms Lawrence recently resigned from her current position of Womens Officer because of other work commitments. At that time it was not possible for her to withdraw her nomination for the position in the elections then underway. I acknowledge that Rule 27 will cover this situation on 21st January 2013 (third Monday in January) when newly elected officers take up their positions. However, I am informed now that Ms Lawrence has resigned and the intention of our rules is that positions are filled by democratic election. As we will be required to hold an election to fill the Indigenous representative position I believe it would be appropriate to add Womens Officer to the list of elections to be held.

In accordance with AEU-NT rule numbers 108(a) (b) (d) and (e), 109, 110, 117, 118 and 27 - given below - I would seek that you initiate election proceedings for the AEU-NT **Branch Executive** positions:

Treasurer

Women's Officer

Executive Councillor representing Indigenous teachers and Indigenous education workers in schools and educational institutions.

The relevant AEU-NT rules are:

108 - ELECTION OF MEMBERS OF BRANCH EXECUTIVE

- (a) The Branch President shall be biennially elected by financial members of the Branch by secret postal ballot.
- (b) The Vice-President (General) shall be elected from and by the financial members of the General Division, and the Vice-President (TAFE) shall be biennially elected by and from the financial members of the TAFE Division. The Treasurer shall be biennially elected by and from financial members of the Branch. The Woman's Officer shall be a female, biennially elected by and from financial members of the Branch. These elections shall be by secret postal ballot.
- (d) Executive Council Members shall be biennially elected by financial members of their respective Regions in a secret postal ballot from 2001.
- (e) The Council Member representing Indigenous teachers and Indigenous education workers to be elected biennially by secret postal ballot from 2000. This Executive Council member must be an Indigenous person, and will be nominated and voted for by financial members of the branch.

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.

117 - INSUFFICIENT NOMINATIONS

In the event that the number of nominations for a position for which elections are required by the Rules to be held is less than the number of positions to be filled the position shall be filled in accordance with the provisions relating to casual vacancies.

118 - CASUAL VACANCY

A casual vacancy occurring in any position on the Branch Executive shall be filled as in Rule 27 or in the case of the Branch Executive Councillors by appointment by the appropriate Regional Council. The financial member so appointed shall hold office for the unexpired portion of the term of office of the member replaced.

27 - BRANCH CONFERENCE AND BRANCH EXECUTIVE - FILLING CASUAL VACANCY

A casual vacancy in the office of Branch Conference Delegate or Branch Executive Member shall be filled as follows:

(a) In the case of the Branch President, an election shall be held in accordance with these Rules as soon as practicable after the vacancy occurs. Provided that where the remaining term of office is 12 months or less the Branch Executive may appoint a financial member to fill the vacancy for the remainder of the term.

(b) In the case of the Treasurer, the Vice-President or the Women's Officer, the Executive shall appoint to the position a member of Executive who shall hold office for the unexpired portion of his/her predecessor's term. In the case of an Executive Councillor vacancy the Regional Council shall appoint to the position a financial

member of that region who shall hold office for the unexpired portion of his/her predecessor's term.

- (c) In the case of the Branch Secretary an election shall be held in accordance with the Rules as soon as practicable after the vacancy occurs. Provided that where the remaining term of office is one third (or less) of the original term then the Branch Executive may appoint a financial member to fill the position for the remainder of the term. In the case of an election the Executive may appoint a financial member to the position until the election process is complete.
- (d) In the case of a Sub-Branch Delegate to Branch Conference, the President of the Sub-Branch concerned shall be deemed to be the holder of the office from the date on which the vacancy occurs until a successor is elected at the next annual election. Should the Sub-Branch President already be a Branch Conference Delegate, or a member of the Branch Executive or was the holder of the office at the date it became vacant, or if the office of the Sub-Branch President is then vacant then the Vice-President of the Sub-Branch concerned shall be the holder. Should there not be a Vice-President entitled to fill the vacancy, a meeting of the Sub-Branch shall be called as soon as possible for the purpose of appointing a member to fill the vacancy.

The reason for the elections is that the term of office for the above positions expires this year and have not been filled through the recent election process.

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

The voting system for these elections shall be a **direct voting system**.

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

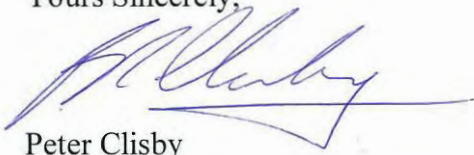
to vote at any election or any meeting or in any plebiscite; provided that the roll of voters for any election to be conducted pursuant to these rules is to be closed seven days before the day on which nominations are opened in relation to all elections by a direct voting system for offices in the Branch.

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

I am lodging the above prescribed information in relation to these elections which are required to be held for the above mentioned offices of the AEU-NT, in accordance with Section 189(1) of the RAO Fair Work Australia Act 2009.

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

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'P. Clisby', with a long horizontal flourish extending to the right.

Peter Clisby
Secretary, AEU-NT