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Level 7, TCG Centre  
80 Mitchell Street  
DARWIN NT 0800

**Contact:** Chris Roper  
**Phone:** 08 8982 8038  
**Facsimile:** 08 8982 8025  
**E-mail:** [chris.roper@aec.gov.au](mailto:chris.roper@aec.gov.au)

Peter Clisby  
Branch Secretary  
Australian Education Union  
PO Box 41863  
CASUARINA NT 0811

**Post Election Report For: Australian Education Union – Northern Territory Branch  
Election E No.2013/207**

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 Fair Work Commission 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 Act 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  
Assistant Manager  
Elections Services

11 November 2013



*Fair Work (Registered Organisations) Act 2009*

**POST ELECTION REPORT**

**Australian Education Union  
Northern Territory Branch**

**ELECTION COVERED IN THIS REPORT**

Election Decision No: E2013/207

**RULES**

Rules used for the election: 284v: Incorporates alterations of 16/11/2012 – R2012/99 & R2012/164  
Rules difficult to apply/interpret: None  
Model Rule reference (if any): N/A

**ROLL OF VOTERS – FULL ROLL**

Total number of voters on the roll: 1810  
Number of apparent workplace addresses: 544  
Number of non-current addresses: 15  
Other matters pertaining to the roll of voters: None

**ROLL OF VOTERS – ARNHEM ROLL**

Total number of voters on the roll: 261  
Number of apparent workplace addresses: 160  
Number of non-current addresses: 0  
Other matters pertaining to the roll of voters: None

**ROLL OF VOTERS – KATHERINE ROLL**

Total number of voters on the roll: 170  
Number of apparent workplace addresses: 82  
Number of non-current addresses: 0  
Other matters pertaining to the 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

**ATTACHMENT**

Declaration of Results

Chris Roper  
Assistant Manager  
Elections Services  
11 November 2013

# Australian Education Union Northern Territory Branch

## DECLARATION OF RESULTS FOR CONTESTED AND 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.

**E2013/207**

### Branch Secretary (1)

Total number of names on the roll of voters	1810
Ballot papers issued	1795
Duplicate ballot papers issued	13
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>1808</b>
Ballot papers / envelopes returned for scrutiny	551
Less ballot papers / envelopes rejected at preliminary scrutiny	14
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>537</b>
Percentage of ballot papers returned to number issued	30.7%
Ballot papers returned as unclaimed mail	6
Ballot papers not returned	1251

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
CLISBY, Peter	338	338
LAMPE, Adam	195	195
Total votes	553	533
Formal ballot papers	533	533
Informal ballot papers	4	4

I declare Peter Clisby elected.

### Branch Executive Councillor – Arnhem Region (2)

Total number of names on the roll of voters	261
Ballot papers issued	261
Duplicate ballot papers issued	0
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>261</b>
Ballot papers / envelopes returned for scrutiny	40
Less ballot papers / envelopes rejected at preliminary scrutiny	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>40</b>
Percentage of ballot papers returned to number issued	15.3%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	221

<u>Candidates</u>	<u>Primary Votes</u>
TREE, Antony R	13
PARKIN, Dean	25
SANDFORD, Michael John	23
Exhausted Votes	13
Formal primary votes	74
Primary votes each ballot paper	Divided by 2
Formal ballot papers	37
Informal ballot papers	3

I declare Dean Parkin and Michael Sandford elected.

### Branch Executive Councillor – Katherine Region (1)

Total number of names on the roll of voters	170
Ballot papers issued	170
Duplicate ballot papers issued	0
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>170</b>
Ballot papers / envelopes returned for scrutiny	43
Less ballot papers / envelopes rejected at preliminary scrutiny	2
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>41</b>
Percentage of ballot papers returned to number issued	25.2%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	127

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
FOTAKIS, Sheryl	28	28
MCGILLIVRAY, Wayne	13	13
Total votes	41	41
Formal ballot papers	41	41
Informal ballot papers	0	0

I declare Sheryl Fotakis elected.

### Branch Executive Councillor – Alice Springs Region (2)

#### Candidates

PHILLIPS, Carly  
THORNTON, Paula

I declare Carly Phillips and Paula Thornton elected.

### Branch Executive Councillor – Barkly Region (1)

#### Candidate

SMALL, Bernard John

I declare Bernard Small elected.

### Branch Executive Councillor – Darwin Region (4)

#### Candidates

BOLAND, Judith Maree  
PHILLIPS, Liam  
No further nominations received

I declare Judith Boland and Liam Phillips elected.

### Branch Executive Councillor – Palmerston & Rural Region (2)

#### Candidates

HARDCASTLE, Peter  
WINSLADE, Glynis

I declare Peter Hardcastle and Glynis Winslade elected.



Chris Roper  
Returning Officer  
Australian Electoral Commission

16 October 2013



## DECISION

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

**Australian Education Union**  
(E2013/207)

CHRIS ENRIGHT

MELBOURNE, 28 JUNE 2013

*Arrangement for conduct of election.*

[1] On 24 and 27 June 2013 the Australian Education Union - Northern Territory Branch lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Branch Secretary  
Branch Executive Councillors (number to be determined in accordance with the rules)  
from the following regions:

Alice Springs  
Arnhem  
Barkly  
Darwin  
Katherine  
Palmerston and Rural

[2] The prescribed information was not lodged before the day prescribed by Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. That day is the day occurring 2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in the election. The Branch Secretary has stated that this was due to an administrative oversight and has requested that I allow a later day for the lodgement of the prescribed information under subsection 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act). Having considered the reason for late lodgement, I allow lodgement on 24 June 2013 in this instance.

[3] 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 COMMISSION

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Ref: 2706130059

27 June 2013

Manager  
Fair Work Commission  
GPO Box 1994, Melbourne, 3001

Dear Manager,

**RE: 2013 AEU-NT Election**

In accordance with AEU-NT rule numbers 18 (a) (iii) (vi), 108 (a) (b) (c) and (d), 109 and 110 – given below – I would seek that you initiate election proceedings for the AEU-NT **Branch Executive** positions:

Branch Secretary

Executive Councillors Alice Springs Region

Executive Councillors Arnhem Region

Executive Councillors Barkly Region

Executive Councillors Darwin Region

Executive Councillors Katherine Region

Executive Councillors Palmerston and Rural Region

The relevant AEU-NT rules are:

## **18 - CONSTITUTION OF BRANCH EXECUTIVE**

- (a) The Branch Executive shall consist of the following -
- (i) Branch President,
  - (ii) Vice-President (General) and Vice-President (TAFE),
  - (iii) Branch Secretary,

- (iv) Treasurer,
  - (v) Women's Officer,
  - (vi) Executive Councillors from each Region, elected on a basis of one member for every 200 members or part thereof;
  - (vii) An Executive Councillor representing Indigenous teachers and Indigenous education workers in schools and educational institutions.
- (b) The Branch officers shall be the Branch President, Vice-President (General), Vice-President (TAFE), Branch Secretary, Treasurer and Women's Officer.
- (c) For the purposes of Rule 136 only, the position of Secretary will be deemed to be a higher position than that of Vice-President (General) or Vice-President (TAFE).

#### **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.
- (c) The Branch Secretary shall be elected for a term of 3 years 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.

#### **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 elections is that the term of office for the above positions expires this year.

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:

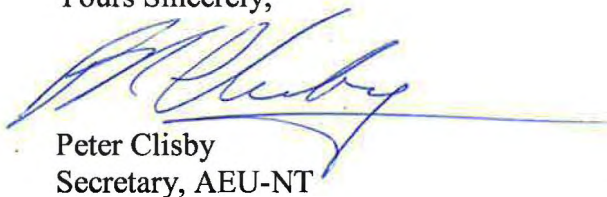
to vote at any election or any meeting or in any plebiscite; provided that the roll of voters for any election to be conducted pursuant to these rules is to be closed seven days before the day on which nominations are opened in relation to all elections by a direct voting system for offices in the Branch.

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,



Peter Clisby  
Secretary, AEU-NT

**From:** Secretary [secretary@aeunt.org.au]  
**Sent:** Thursday, 27 June 2013 8:45 AM  
**To:** POWELL, Larry  
**Subject:** Request for extension of time  
**Attachments:** 2706130059 FWC Election Request Amended.pdf

Dear Larry,

Please find attached an amended notification of elections required for the AEU NT in 2013.

I seek the approval of the FWC for an extension of time in which to lodge this notification.

The original notification was late in being sent because of an administrative oversight. This only came to my attention on Monday 24<sup>th</sup> June and I attended to it immediately.

After discussion with you I have amended the notification as requested and attach the new document for your attention.

Regards  
Peter

Australian Education Union NT Branch  
Registered Office: Unit 3, 8 Totem Rd  
Coconut Grove NT 0810  
Postal: PO Box 41863, Casuarina NT 0811

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Ref: 2705130055

27 May 2013

Manager  
Fair Work Commission  
GPO Box 1994, Melbourne, 3001

Dear Manager,

**RE: 2013 AEU-NT Election**

In accordance with AEU-NT rule numbers 18 (a) (iii) (vi), 108(a) (b) (d) and (e), 109 and 110 – given below – I would seek that you initiate election proceedings for the AEU-NT **Branch Executive** positions:

Branch Secretary

Executive Councillors Alice Springs Region (2)

Executive Councillors Arnhem Region (2)

Executive Councillor Barkly Region (1)

Executive Councillors Darwin Region (4)

Executive Councillors Katherine Region (1)

Executive Councillors Palmerston and Rural Region (2)

The relevant AEU-NT rules are:

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- (a) The Branch Executive shall consist of the following -
- (i) Branch President,
  - (ii) Vice-President (General) and Vice-President (TAFE),
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- (iv) Treasurer,
  - (v) Women's Officer,
  - (vi) Executive Councillors from each Region, elected on a basis of one member for every 200 members or part thereof;
  - (vii) An Executive Councillor representing Indigenous teachers and Indigenous education workers in schools and educational institutions.
- (b) The Branch officers shall be the Branch President, Vice-President (General), Vice-President (TAFE), Branch Secretary, Treasurer and Women's Officer.
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- (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.

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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;
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- (ii) the address to which nominations are to be forwarded (for this purpose the Returning Officer shall rent a post office box in Darwin);
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- (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;

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(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 elections is that the term of office for the above positions expires this year.

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 black ink, appearing to read 'Peter Clisby', with a horizontal line extending to the right from the end of the signature.

Peter Clisby  
Secretary, AEU-NT