



20 October 2015

Mr Jarvis Ryan
President
Australian Education Union-Northern Territory Branch
admin@aeunt.org.au

Dear Mr Ryan,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Commission a declaration of results for the election [E2015/187]. This letter is a reminder of certain obligations imposed on organisations and persons elected to office.

Section 154D(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the rules of organisations (and branches of organisations) to require 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 should be provided for in your organisation's rules.

Also, section 233(2) of the RO Act requires that an organisation must notify the Fair Work Commission (the Commission) within 35 days of any changes to the holders of office in the organisation. If the election has resulted in any changes to the holders of office, the Australian Education Union-Northern Territory 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;
 - 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. I have attached a template notification of changes which may assist you. If any change does not apply until a specific date, you don't 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

Debbie Ball
Regulatory Compliance Branch

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

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to orgs@fwc.gov.au.]

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)

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	Reason for change	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder (for privacy reasons, we recommend NOT a private address)	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Retiring</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
...							
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Resignation</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
...							

**Australian Education Union
NT Branch Executive Councillors Election 2015**

Declaration of Results for Contested and Uncontested Offices

E2015/187

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.

Alice Springs Region

Total number of names on the roll of voters	258
Ballot papers issued	258
Replacement ballot papers issued	0
Total Ballot Papers Issued	258
Ballot papers / envelopes returned for scrutiny	32
Less ballot papers / envelopes rejected at preliminary scrutiny	1
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	31
Percentage of ballot papers returned to number issued	12%
Ballot papers returned as unclaimed mail	6
Ballot papers not returned	220

Branch Executive Councillors (2)

<u>Candidates</u>	<u>Primary Votes</u>	<u>Votes</u>
GUEST, Kenneth	17	17
THORNTON, Paula	23	23
MCGILL, Stewart	14	14
Exhausted Votes	8	8
Total votes	62	62
Formal ballot papers	31	31
Informal ballot papers	0	0

I declare Paula Thornton and Kenneth Guest elected.

**Arnhem Region
Branch Executive Councillors (2)**

Candidates

GLEESON, Bernie
TONGATUA, Grace

I declare Bernie Gleeson and Grace Tongatua elected.

Barkly Region

Total number of names on the roll of voters	105
Ballot papers issued	105
Replacement ballot papers issued	0
Total Ballot Papers Issued	105
Ballot papers / envelopes returned for scrutiny	15
Less ballot papers / envelopes rejected at preliminary scrutiny	0
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	15
Percentage of ballot papers returned to number issued	14%
Ballot papers returned as unclaimed mail	6
Ballot papers not returned	84

Branch Executive Councillor (1)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
SKIDMORE, Robert Howard	9	9
TIGHE, Paul	6	6
Total votes	15	15
Formal ballot papers	15	15
Informal ballot papers	0	0

I declare Robert Howard Skidmore elected.

Darwin Region

Branch Executive Councillors (4)

Candidates

GEORGE, Barry
HOLTZE, Delean
LAMPE, Adam

I declare Barry George, Delean Holtze and Adam Lampe elected.
No other nominations received.

Katherine Region

Branch Executive Councillor (1)

Candidates

FOTAKIS, Sheryl

I declare Sheryl Fotakis elected.



**Palmerston & Rural Region
Branch Executive Councillors (2)**

Candidates

CAMPBELL, Rebecca
HESTER (PREVIOUSLY WINSLADE), Glynis

I declare Rebecca Campbell and Glynis Hester (previously Winslade) elected.



Nigel Inglis
Returning Officer
Australian Electoral Commission

16 October 2015



DECISION

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

Australian Education Union
(E2015/187)

MR ENRIGHT

MELBOURNE, 8 JULY 2015

Arrangement for conduct of election.

[1] On 12 June 2015 the Northern Territory Branch of the Australian Education Union lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

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] Prescribed information should be lodged with the Fair Work Commission within the time prescribed by Regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009*. Northern Territory Branch rule 109(a) provides that nominations for the Branch Executive Councillors open no later than 22 July. Accordingly, the prescribed information was required to be lodged before 22 May 2015. The prescribed information was lodged on 12 June 2015, some 21 days late.

[3] The failure of the branch to lodge the prescribed information before the prescribed day contravenes section 189(2) of the Act which is a civil penalty provision. Failures by organisations to comply with civil penalty provisions may be the subject of applications by the Fair Work Commission for orders in the Federal Court.

[4] 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

Printed by authority of the Commonwealth Government Printer

<Price code A, PR569155>



Our Ref: 1106150019

General Manager
Fair Work Commission
GPO Box 1994, Melbourne, 3001

cc: Chris Roper, AEC Northern Territory Office

Friday 12 June 2015

Dear General Manager,

RE: 2015 AEU NT Election

In accordance with AEU NT rule numbers 18 (a) (vi), 108(a) (b) (d) and (e), 109 and 110 – given below – I seek your approval to initiate election proceedings for the following AEU NT Branch Executive positions:

- *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:

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.*
- (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.

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 by the Australian Electoral Commission. The AEC has contacted our office confirming that it will conduct the elections assuming permission is granted by the FWC.

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

Rule 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 Fair Work (Registered Organisations) Act 2009.

Additionally, I bring to your attention the approval by the Delegate of the application by the Australian Education Union (federal office) to hold elections for the following positions:

- *Federal Conference Delegates representing the General Division (number to be determined in accordance with the rules)*
- *Aboriginal and Torres Strait Islander Federal Conference Delegate (number to be determined in accordance with the rules)*
- *National TAFE Council Executive Member*
- *National TAFE Council Delegates (number to be determined in accordance with the rules)*
- *Yalukit Yulendj (National Aboriginal and Torres Strait Islander Committee) (General Division) Member*

- *Yalukit Yulendj (National Aboriginal and Torres Strait Islander Committee) (TAFE Division) Member*
- *National Principals' Committee (General Division) Member*
- *National Early Childhood Committee (General Division) Member*
- *Federal Conference Delegates representing the TAFE Division (number to be determined in accordance with the rules)*

To streamline the election process, we ask that permission be granted to hold the elections for these positions concurrently with the abovementioned Branch positions.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jarvis Ryan', with a stylized flourish at the end.

Jarvis Ryan
Branch President

(On behalf of Anita Jonsberg, Branch Secretary)