



Ms Bernadette O'Neill
General Manager
Fair Work Commission
GPO Box 1994
Melbourne VIC 3001
By Email: orgs@fwc.gov.au

Our Ref: 2706160017

27 June 2016

Dear Ms O'Neill,

Re: Post-election Report for the NT Branch of the Australian Education Union: E2015/265

The NT Branch of the Australian Education Union has received a post-election report from the Australian Electoral Commission (AEC) dated 6 May 2016 in respect of an election conducted by the AEC numbered E2015/265.

The report contained a part dealing with rules that the AEC considered to be "difficult rules" (Relevant Extract). The report is attached to this letter and includes the Relevant Extract. The AEU's response to the report (dated 24 June 2016) is also included with this letter.

Steps taken to make the Relevant Extract and response available to members

I declare that the NT Branch of the AEU will provide the Relevant Extract and the NT Branch's response to the AEC to members, upon request, free of charge.

I confirm that both the Relevant Extract and the NT response provided to the AEC are set out on both [the AEU NT Branch website](#) and [the AEU Federal Office's website](#). The documents will remain available on both websites for a period of at least 3 months.

If you consider that additional steps should be taken to make the Relevant Extract and the Branch's response available to members, please let me know.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jarvis Ryan', is positioned above the printed name.

Jarvis Ryan
Branch President



Chris Roper
Assistant Divisional Office Manager
Elections Services, Northern Territory Office
Australian Electoral Commission
By email: industrial.elections@aec.gov.au

24 June 2016

Dear Ms Roper

**Re: Post-election Report for the NT Branch of the Australian Education Union
E2015/265**

I refer to the post election report dated 6th May 2016 in the above election.

I note that you identify AEU NT Branch rule 109(c)(ii) -Nominations for Branch Executive which states that the 'the address to which nominations are to be forwarded (for this purpose the Returning Officer shall rent a post office box in Darwin' as a rule difficult to apply.

Pursuant to section 198(2) of the *Fair Work (Registered Organisations) Rules 2009* (Cth) (FW(RO) Act), I wish to inform you that this rule has been amended accordingly to allow for nominations to be received by the Returning Officer in the standard ways, e.g. by post, email, fax or by hand. The rule amendment was approved by the FWC in decision R2016/89 dated 10th June 2016.

The NT Branch of the AEU will make available this response to members in accordance with section 198(3) of the FW(RO) Act.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jarvis Ryan', written over a white background.

Jarvis Ryan
Branch President



23 June 2016

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

Dear Mr Ryan

Organisation must respond to the post-election report of the Australian Electoral Commission: E2015/265

On 10 May 2016 the Fair Work Commission (the Commission) received a post election report from the Australian Electoral Commission (AEC) for election E2015/265 dated 6 May 2016. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular rule 109 of the Northern Territory Branch rules. I understand that that Branch is in the process of altering its rules to remedy the problem. This letter serves as a reminder of other obligations imposed on the organisation or branch as a consequence of the AEC's report. **If a response has already been sent to the AEC and made available to all members please disregard this letter.**

A written response must be provided to the AEC

Section 198 of the RO Act requires that a written response is provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regs 141(4) and (5)).

Extract of report and written response must be made available to members

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

A copy of the organisation's response must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and

- within 30 days of giving the response to the AEC:
 - lodges with the Commission a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
 - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

Penalties may apply

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the Commission for assistance by email to orgs@fwc.gov.au.

Yours sincerely

Debbie Ball

Regulatory Compliance Branch



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

**Australian Education Union
Northern Territory Branch**

ELECTION COVERED IN THIS REPORT

Election Decision No: E2015/265

RULES

Rules used for the election:

284v: Incorporates alterations of 14 August 2015 [R2015/124 and R2015/136]

Rules difficult to apply/interpret:

AEU Branch rule 109 – Nominations – Branch Executive states that 'the address to which nominations are to be forwarded (for this purpose the Returning Officer shall rent a post office box in Darwin'. As a consequence of this rule, nominations could only be received by the Returning Officer at the AEC's post office box.

The NT Branch of the AEU is currently in the process of amending this rule to allow for nominations to be received by the Returning Officer in the standard ways, eg by post, email, fax or by hand.

Model Rule reference (if any):

N/A

ROLL OF VOTERS

As the election was uncontested, no Roll of Voters was used.

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 – Uncontested



Chris Roper
Returning Officer

6 May 2016

Australian Education Union Northern Territory Branch

Declaration of Results for Uncontested Office

E2015/265

Below is the result 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.

Branch Executive Councillor – Darwin Region (1)

Candidate

CAMERON, Bruce

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidate elected.



Nigel Inglis
Returning Officer

8 March 2016



3 May 2016

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 Fair Work Commission (the Commission) a declaration of results for the election [E2015/265]. 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 Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** 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 Northern Territory Branch

Declaration of Results for Uncontested Office

E2015/265

Below is the result 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.

Branch Executive Councillor – Darwin Region (1)

Candidate

CAMERON, Bruce

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidate elected.



Nigel Inglis
Returning Officer

8 March 2016



DECISION

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

Australian Education Union
(E2015/265)

MR ENRIGHT

MELBOURNE, 23 DECEMBER 2015

Arrangement for conduct of election.

[1] On 29 October 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 Councillor representing the Darwin Region (1)

[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

[2015] FWCD 8892

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Our ref: 3010150041

Ms Bernadette O'Neill
General Manager
Fair Work Commission
GPO Box 1994
Melbourne VIC 3001
Email: orgs@fwc.gov.au

cc: nigel.inglis@aec.gov.au

29 October 2015

Dear Ms O'Neill

Re: Prescribed Information for the election of a Branch Executive Councillor

In accordance with Section 189 (1) of the *Fair Work (Registered Organisations) Act 2009* and Regulation 138, I wish to lodge the following prescribed information in relation to an election due to be held for an office in our Branch.

I am the Branch Secretary of the AEU NT Branch and am authorised to lodge this prescribed Information on behalf of the Branch.

Name of office and number of positions

ONE Executive Councillor representing the Darwin Region (Rule 18 (a) (vii)).

Reason for the election

This election is required as a result of a vacancy resulting from insufficient nominations received to fill this position in the recent AEU Branch election (E2015/187).

Attached is a copy of the AEC declaration of results for your information.

Our Branch's Casual Vacancy rule requires that this position be filled in this manner as there is not less than three quarters of the term of office remaining (Rule 27 (b)). Please note that this rule was recently changed to comply with the Act (R2015/124).

The electorate for the ballot

The electorate is financial members of the Branch within the Darwin Region (Rule 108 (d)).

The dates and times for the opening and closing of nominations

Rule 109 provides that nominations for ordinary Branch Executive positions open on 22 July and close on 21 August. I would infer from this that the nomination period be 30 days.

In determining the date for the opening of nominations, I would ask that you be mindful that the great bulk of the electorate are school teachers who will be on compulsory annual leave from 11 December until 21 January 2016. During this period, it will be difficult to communicate information by traditional means to members via their workplace representatives.

Therefore it would be preferable to either hasten to open nominations, or wait until the 2016 school year commences.

Under Rule 137 (B), Executive Councillors commence their biennial term on the third Monday in January. Our first Branch Executive meeting of 2016 is likely to take place in March.

The day provided for in the rules on which the roll of voters is to be closed

The roll of voters closes seven days before the opening of nominations (Rule 105 (a) (ii)).

The voting system to be used

The election shall be conducted by a direct voting system.

I may be contacted on (08) 8948 5399 or by email at admin@aeunt.org.au should you wish to discuss this matter further.

Yours sincerely



Anita Jonsberg
Branch Secretary