



22 March 2016

Mr Jack Major
Secretary
Australian Education Union-South Australian Branch

By email: aeusa@aeusa.asn.au

Dear Mr Major,

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 [E2015/280]. 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-South Australian 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

Annastasia Kyriakidis
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>
...							



Reference: 15/105

Jack Major
Branch Secretary
Australian Education Union
163 Greenhill Rd
PARKSIDE SA 5063

Post-Election Report for: **Australian Education Union – SA Branch**
 Female Branch Executive Officer
 E2015/280

I refer to the above elections 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 Fair Work Australia 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 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 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) Act 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.

Jude Feige
Returning Officer



AEC

Australian Electoral Commission

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Australian Education Union – South Australian Branch

ELECTION/S COVERED IN THIS REPORT

Election Decision No *E2015/280*

RULES

Rules used for the election: *284V: Incorporates alterations of 14 August 2015 [R2015/124 and R2015/136]*
Rules difficult to apply/interpret: None
Model Rule reference (if any): N/A

ROLL OF VOTERS

Total number of voters on the Roll: 10152

IRREGULARITIES

Details of written allegations of irregularities, and action taken by AEC: Nil
Other irregularities identified, and action taken: Nil

ATTACHMENTS

- 1) Declaration of Results for Contested Offices

Jude Feige
Returning Officer
22 March 2016

Australian Education Union Female Branch Executive Officer

Declaration of Results for Contested 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.

South Australian Branch

Total number of names on the roll of voters	10152
Ballot papers issued	10152
Replacement ballot papers issued	0
Total Ballot Papers Issued	10152
Ballot papers / envelopes returned for scrutiny	635
Less ballot papers / envelopes rejected at preliminary scrutiny	9
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	626
Percentage of ballot papers returned to number issued	6
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	9517

Ordinary Branch Executive Officers

<u>Candidates</u>		<u>Votes</u>
BENNETT, Sarah		350
PROUD, Kendall		269
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	0	619
Formal ballot papers	619	619
Informal ballot papers	7	7

I declare Sarah Bennett elected.

Jude Feige
Returning Officer
Australian Electoral Commission

22 March 2016



DECISION

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

Australian Education Union
(E2015/280)

MR ENRIGHT

MELBOURNE, 23 DECEMBER 2015

Arrangement for conduct of election.

[1] On 25 November 2015 South Australian Branch of the Australian Education Union lodged with the Fair Work Commission the prescribed information in relation to an election to a casual vacancy for the following office:

Female Branch Executive Officer (1)

[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

[2015] FWCD 8921

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Australian Education Union

SA Branch | 163 Greenhill Road, Parkside, SA 5063
phone: [08] 8272 1399 **email:** aeusa@aeusa.asn.au
fax: [08] 8373 1254 **website:** www.aeusa.asn.au

25 November 2015

General Manager
Fair Work Commission
GPO Box 1994
MELBOURNE VIC 3001

Dear Ms O'Neill

Re: Branch Election – Australian Education Union (SA Branch)

I hereby lodge prescribed information in accordance with Section 189(1) of the Fair Work (Registered Organisations) Act 2009. I am authorised to lodge the prescribed information in relation to this Australian Education Union (SA Branch) election.

1. Name of Office

An election is required for One Female Ordinary Branch Executive Officer.

2. Reason for Election

An election for a Female Ordinary Branch Executive Officer is required because Ann Clarke who was elected in the election identified in Decision E2015/154, has been appointed to an Administrative Officer position in the Branch and is accordingly under Federal Branch Rule 20(2) ineligible to occupy a position as Branch Executive Officer.

Branch Rule 54(6) requires “*any casual or extraordinary vacancy in the position of Branch Executive Officer shall be held by a person of the same gender as the person who is being replaced.*”

The Returning Officer's Declaration and Ms Clarke's letter of resignation are attached.

3. Electorate

The electorate for the office of Female Ordinary Executive Officer is by and from financial members of the General Division of the Branch, other than members assigned to the Children's Services and School Services Officer Sub-divisions.

4. Date and Time

The timeline for this election will be determined by the Returning Officer in consultation with the AEU (SA Branch) Secretary. The date for opening nominations shall be a date not less than 14 days before the closing of nominations.

5. Roll of Voters

The date for the closure of the Roll of Voters shall be seven days before the day on which nominations open.

6. Voting System

The voting system to be employed in the conduct of these elections is a direct voting system.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jack Major'.

JACK MAJOR
Branch Secretary

Encls:

1. Declaration of Results for Contested Offices
2. Ann Clarke resignation correspondence