

28 July 2016

Mr Jack Major
Secretary
Australian Education Union-South Australian Branch
aeusa@aeusa.asn.au



Dear Mr Major,

cc:
The Federal Secretary
Australian Education Union
aeu@aeufederal.org.au

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 [E2016/75] for The South Australian Branch. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

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 regulation 141 of the *Fair Work (Registered organisations) Regulations 2009*).

Holders of office required to undertake approved training

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.

Organisation must notify the Commission of changes

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

Jennifer Raeburn
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.]

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)

- 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>
...							



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Australian Education Union – SA Branch

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: *E2016/75*

RULES

Rules used for the election: *284V: Incorporates alterations of 7 April 2016 (R2015/256 and R2015/293)*
Rules difficult to apply/interpret: None
Model Rule reference (if any): N/A

ROLL OF VOTERS

As there was a contested office in Male Ordinary Branch Executive Officer a Roll of Voters was required for eligible voters in the Australian Education Union.

Number of names on Roll of Voters 9978

IRREGULARITIES

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

ATTACHMENTS

Declaration of Results for Contested Offices

Murray Hutchinson
Returning Officer
21/07/16

Australian Education Union
E2016/75 Casual Vacancy - Ordinary Male Executive Officer (1)

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	9978
Ballot papers issued	9978
Replacement ballot papers issued	0
Total Ballot Papers Issued	9978
Ballot papers / envelopes returned for scrutiny	703
Less ballot papers / envelopes rejected at preliminary scrutiny	11
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	692
Percentage of ballot papers returned to number issued	7
Ballot papers returned as unclaimed mail	48
Ballot papers not returned	9227

Male Ordinary Branch Executive Officer

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
RANDALL, Morgan	145	0
WALLIS, Brad	198	290
MAYWALD, Adrian	240	327
DENG, Peter	100	0
Exhausted Votes		66
Loss/Gain by Fraction		0
Total votes	683	617
Formal ballot papers	683	683
Informal ballot papers	9	9

I declare Adrian Maywald elected.



Murray Hutchinson
Returning Officer
Australian Electoral Commission

18 July 2016



DECISION

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

Australian Education Union
(E2016/75)

MR ENRIGHT

MELBOURNE, 10 MARCH 2016

Arrangement for conduct of election.

[1] On 29 January 2016 the 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 remainder of the term in the following office:

Male Ordinary 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

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29 January 2016

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 Male Ordinary Branch Executive Officer.

2. Reason for Election

An election for a Male Ordinary Branch Executive Officer is required because Mr Chris Champion who was elected in the election identified in Decision E2015/154, has resigned his position.

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 Mr Champion's letter of resignation are attached.

3. Electorate

The electorate for the office of Male 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. Chris Champion resignation correspondence