



12 April 2019

Leah York
Branch Secretary
Australian Education Union-South Australian Branch
Sent via email: lyork@aeusa.asn.au

cc: Federal Office, aeu@aeufederal.org.au

Dear Leah York,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of contested offices in matter E2018/97. 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, as soon as practicable after receiving the post-election report, 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 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires 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 are provided for in the RO Act.

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. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not 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.

Yours faithfully,

Christine Hibberd
Registered Organisations Commission

5 April 2019

Post-election report

Australian Education Union
South Australian Branch
Casual Vacancy election
E2018/97

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Election(s) Covered in this Report

Organisation: Australian Education Union - South Australian Branch
Election: Casual Vacancy
Election Decision No/s: E2018/97

Rules

Rules used for the election: 284V: Incorporates alterations of 3 December 2018 [R2018/232]
(replaces rulebook dated 20 June 2018 [R2018/117])

Rules difficult to apply/interpret: None
Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website:
(https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

Roll of Voters

Total number of voters on the Roll:	10,255
Number of apparent workplace addresses:	69
Number of non-current addresses:	109
Other matters pertaining to the roll of voters:	None

Irregularities

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

Other Matters

Returning Officer actions required (Section 193): No

Signed



Jenny Southall
Returning Officer
Australian Electoral Commission
E: saelections@aec.gov.au
P: 08 8237 6555
5 April 2019

Attachments

A. Declaration of Results for Contested Offices – SA

Australian Education Union
South Australian Branch
DECLARATION OF RESULTS - E2018/97
Contested Offices

Casual Vacancy Election

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 are:

General Division

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	10,255
Number of voters issued with voting material	10,255
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	10,255
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	452
Number of declaration envelopes rejected at preliminary scrutiny (minus)	1
Number of ballot papers returned outside declaration envelopes (minus)	3
COUNT	
Total ballot papers admitted to the count	448
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	109
Voting material packs not returned by voters by closing date of the ballot	9,694
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	4 %


Branch Executive Officer (Female) (1)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
MARLOW, Marika	171	171
LACEY, Vicki	248	248

Total ballot papers admitted for this office	448
Formal Ballot papers	419
Informal Ballot papers	29

I declare the following elected:

- LACEY, Vicki



Jenny Southall
 Returning Officer
 Telephone: 08 8237 6538
 Email: saelections@aec.gov.au
 05/04/2019



DECISION

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

Australian Education Union-South Australian Branch
(E2018/97)

MR ENRIGHT

MELBOURNE, 21 DECEMBER 2018

Arrangement for conduct of election.

[1] In April 2018 the South Australian Branch of the Australian Education Union (AEU) lodged with the Registered Organisations Commission prescribed information in relation to an election to fill a casual vacancy for the following officer:

Branch Executive Officer (Female) (1)

[2] On 2 May 2018, I issued a decision ([2018]ROCD81) arranging for an election to be held.

[3] On 20 December 2018, the Federal Court of Australia in matter SAD192/2018 issued a declaration that:

Pursuant to s 206(4)(a) of the Fair Work (Registered Organisations) Act 2009 (Cth) (the FW(RO) Act), that all steps taken in the election for the casual vacancy for the office of Branch Executive Officer (Female) in the South Australian Branch of the Australian Education Union (AEU) (the election) requested by the Branch Secretary on 11 April 2018 are void.

[4] The Registered Organisations Commission has been directed under s 206(4)(c)(ii) of the *Fair Work (Registered Organisations) Act 2009* (Cth) (the RO Act), by the Court to make arrangements for the following steps in the election to be taken again:

- (a) The provision by the Australian Electoral Commission (AEC) to the South Australian Branch of the AEU of a proposed timetable for the close of the roll of voters and the nomination and voting period;
- (b) The preparation and submission to the AEC of the roll of voters for the election;

- (c) Issuing of an election notice inviting members of the South Australian Branch of the AEU to nominate for the office of Branch Executive Officer (Female) in the South Australian Branch of the AEU;
- (d) The processing of nominations; and
- (e) If there is more than one nomination, the conduct of a secret postal ballot by the AEC in accordance with rr 48(14) and 52 of the Federal Branch Rules for the South Australian Branch of the AEU.

[5] Having determined that an election is required, on the basis of the Federal Court's decision, I am satisfied that an election for the above-named 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.



ACTING COMMISSIONER

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DECISION

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

Australian Education Union
(E2018/97)

MR ENRIGHT

MELBOURNE, 2 MAY 2018

Arrangement for conduct of election.

[1] On 13 April 2018 the South Australian Branch of the Australian Education Union lodged with the Registered Organisations Commission prescribed information in relation to an election to fill a casual vacancy for the following office:

Branch Executive Officer (Female¹) (1)

[2] I am satisfied that an election for the above-named 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 COMMISSIONER

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¹ See SA Branch rule 54(6) which provides that “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.”



Australian Education Union

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fax: [08] 8373 1254

website: www.aeusa.asn.au

Your reference:
Our reference:

11 April 2018

Mr Mark Bielecki
Registered Organisations Commissioner
Registered Organisations Commission
GPO Box 2983
MELBOURNE VIC 3001

Dear Mr Bielecki

Re: Australian Education Union (SA Branch) – Election of New Office Holder

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 Ms Jan Murphy who was elected in the election identified in Decision E2017/127, has resigned her 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 Ms Murphy’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 "Leah York". The signature is written in a cursive, flowing style.

LEAH YORK
Branch Secretary

Encls:

1. Declaration of Results for Contested Offices
2. Jan Murphy resignation correspondence

**Australian Education Union
E2017/127
SA Branch Scheduled Election**

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

Branch Female Vice-President

Total number of names on the roll of voters	13052
Ballot papers issued	13052
Replacement ballot papers issued	0
Total Ballot Papers Issued	13052
Ballot papers / envelopes returned for scrutiny	1635
Less ballot papers / envelopes rejected at preliminary scrutiny	46
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	1589
Percentage of ballot papers returned to number issued	12%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	11417

<u>Candidates</u>	<u>Votes</u>
CHAMPION, Patricia Helen	643
GOLDING, Lara	937
Total Candidate Votes	1580
Formal ballot papers	1580
Informal ballot papers	9

I declare Lara GOLDING elected.

**General Division (other than CS & SSO)
Branch Executive Officers (12) (including at least six women)**

Candidates

TURRELL, Christopher

ROBERTS, Karen

MURPHY, Jan

MAYWALD, Adrian

LONGSTAFF, Tim

GOLDING, Lara

Candidate elected to higher office (no longer eligible)

BONE-GEORGE, Jackie

PROUD, Kendall

FOREMAN, Ashleigh

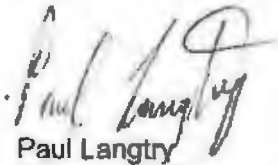
GILBERT, Trisha

WALLIS, Bradley

RANDALL, Morgan

VAUGHAN, Malcolm

In accordance with Branch Rule 48 (14) (m) Lara GOLDING is no longer eligible to contest this election. As the number of nominations finally accepted did not exceed the number of positions to be filled, I declare Christopher TURRELL, Karen ROBERTS, Jan MURPHY, Adrian MAYWALD, Tim LONGSTAFF, Jackie BONE-GEORGE, Kendall PROUD, Ashleigh FOREMAN, Trisha GILBERT, Bradley WALLIS, Morgan RANDALL and Malcolm VAUGHAN the candidates elected.



Paul Langtry
Returning Officer
Australian Electoral Commission

19 October 2017

