



Fair Work (Registered Organisations) Act 2009

## RETURNING OFFICER - POST ELECTION REPORT

**Client:** Australian Education Union, Tasmanian Branch

**Contact details:** Chris Lane  
State Manager  
AEU Tasmanian Branch  
PO Box 117  
North Hobart TAS 7002

**EMAIL:** chrisl@aeutas.org.au  
**TEL:** (03) 6234 9500

**AIR contact officer:** Scott Shepherd

**EMAIL:** industrial.elections@fwa.gov.au  
**TEL:** (03) 8661 7787

### ELECTIONS COVERED IN THIS REPORT

**Election Decision No/s:** E2011/2634

**Election:** Tasmanian Branch Elections

**Returning Officer:** Michael Horwood

### RULES

**Rules used for elections Rule ID:** [284V Incorporates alterations of 07/07/2011]

**Rules difficult to apply/interpret:**

**Action taken under section 193 of RAO Schedule:**

### ROLL OF VOTERS

<b>Total number of voters on the roll –</b>	<b>6280</b>	
Number of private addresses	6046	96.27%
Number of apparent workplace addresses	204	3.25%
Number of non-current addresses	30	0.48%
Returned unclaimed	22	0.35%

### OTHER MATTERS PERTAINING TO ROLL OF VOTERS

### ALLEGATIONS OF IRREGULARITIES RECEIVED

There were two written complaints or allegations of irregularities. However both of these related to how to vote material being in breach of the Branch's Code of Conduct during election periods. This Code, is not part of the Rules, and both complainants were advised to direct their queries to Mr Chris Lane, State Manager of the AEU.

### ATTACHMENTS

**A)** Declaration of Results for Uncontested and Contested Offices

Michael Horwood  
Returning Officer  
16 December 2011

**Australian Education Union  
Tasmanian Branch Elections 2011**

**DECLARATION OF RESULTS FOR UNCONTESTED AND CONTESTED OFFICES**

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.

E2011/2634

**Tasmanian Branch**

Total number of persons on the roll of voters	6280
Ballot papers issued	6272
Duplicate ballot papers issued	2
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>6274</b>
Ballot papers / envelopes returned for scrutiny	1805
Less ballot papers / envelopes rejected at preliminary scrutiny	48
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>1757</b>
Percentage of ballot papers returned to number issued	28%
Ballot papers returned as unclaimed mail	22
Ballot papers not returned	4447

**Branch President**

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
ELLIOTT, Malcolm Edward	874	874
POLGLASE, Terry	877	877
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	1751	1751
Formal ballot papers	1751	1751
Informal ballot papers	6	6

I declare Terry Polglase elected.

Total number of persons on the roll of voters	6280
Ballot papers issued	6272
Duplicate ballot papers issued	2
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>6274</b>
Ballot papers / envelopes returned for scrutiny	1805
Less ballot papers / envelopes rejected at preliminary scrutiny	76
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>1729</b>
Percentage of ballot papers returned to number issued	28%
Ballot papers returned as unclaimed mail	22
Ballot papers not returned	4447

**Branch Executive Member (9)**

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
BENSEMANN, Gary	56	1692
HARRISON, Peter	83	1690
ELLIOTT, Malcolm Edward	427	1690
ALLAN, Ian	22	34
GLASSON, Andrew	28	1704
WALKER, Ed	140	1690
STOPS, Darren Max	104	1690
CARTER, Robert	43	1604
NEWITT, Sue	77	1690
LAIRD VALENTINE, Margaret	120	1690
FINLAY, Nicholas	81	1690
LAPSED CANDIDATES	508	0
Exhausted Votes		1
Loss/Gain by Fraction		25
Total votes	1689	16890*
Formal ballot papers	1689	1689
Informal ballot papers	40	40

\*Note: Each ballot paper admitted to the count is given a value of 10 votes

I declare Gary Bensemman, Malcolm Edward Elliott, Nicholas Finlay, Andrew Glasson, Peter Harrison, Margaret Laird Valentine, Sue Newitt, Darren Max Stops and Ed Walker elected.

Other nominations were also received, but lapsed due to election to a higher office.

### Branch Council Delegate, Representative of Indigenous Members

#### Candidate

DEVERELL, Stephen

I declare Stephen Deverell elected.

### General Division, South Region

Total number of persons on the roll of voters	2848
Ballot papers issued	2845
Duplicate ballot papers issued	2
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>2847</b>
Ballot papers / envelopes returned for scrutiny	995
Less ballot papers / envelopes rejected at preliminary scrutiny	30
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>965</b>
Percentage of ballot papers returned to number issued	34%
Ballot papers returned as unclaimed mail	14
Ballot papers not returned	1838

### Branch Deputy President, South Region

#### Candidates

#### First Preference Votes

#### Votes

OSBORNE, Elizabeth Marjorie	469	551
WALKER, Ed	281	409
STOPS, Darren Max	210	0
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	960	960
Formal ballot papers	960	960
Informal ballot papers	5	5

I declare Elizabeth Marjorie Osborne elected.

### General Division, North Region

Total number of persons on the roll of voters	1696
Ballot papers issued	1694
Duplicate ballot papers issued	0
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>1694</b>
Ballot papers / envelopes returned for scrutiny	416
Less ballot papers / envelopes rejected at preliminary scrutiny	11
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>405</b>
Percentage of ballot papers returned to number issued	24%
Ballot papers returned as unclaimed mail	1
Ballot papers not returned	1277

### Branch Deputy President, North Region

#### Candidates

#### First Preference Votes

#### Votes

BENSEMANN, Gary	56	56
FINLAY, Nicholas	112	112
GEALE, Sallyann	235	235
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	403	403
Formal ballot papers	403	403
Informal ballot papers	2	2

I declare Sallyann Geale elected.

**General Division, North West Region**  
**Branch Deputy President, North West Region**

Candidate

FOLKS, Dean

I declare Dean Folks elected.

**General Division, Schools Sector - South**  
**Branch Council Delegate, General Division Sector - South (19)**

Candidates

BUTLER, Warwick Adam  
CARTER, Robert  
COLLES, Patricia  
EDWARDS, David  
HAYES, Mark  
HILL, Ailsa Elisabeth  
LORD, Stuart Douglas  
MUSGROVE, Claire  
NETTLEFOLD, Andrew  
RICHARDSON, Ben  
TUBB, Owen  
WATT, Tom

I declare Warwick Adam Butler, Robert Carter, Patricia Colles, David Edwards, Mark Hayes, Ailsa Elisabeth Hill, Stuart Douglas Lord, Claire Musgrove, Andrew Nettlefold, Ben Richardson, Owen Tubb and Tom Watt elected.

Other nominations were also received, but lapsed due to election to a higher office.

**General Division, Schools Sector - North**  
**Branch Council Delegate, General Division Sector - North (14)**

Candidates

BRITTON, Robert  
DJAKIC, Murat  
DUNCAN, David  
MCDONOUGH, Warren D  
MURFET, Bella  
PAPASTAVROU, Loucas

I declare Robert Britton, Murat Djacic, David Duncan, Warren D McDonough, Bella Murfet and Loucas Papastavrou elected.

Other nominations were also received, but lapsed due to election to a higher office.

**General Division, Schools Sector - North West**  
**Branch Council Delegate, General Division Sector - North West (12)**

Candidates

ALLAN, Ian  
ARGENT, Julie  
EVANS, Mellissa  
FOGG, Samuel  
GLOVER, Maree  
HABERLE, Raymond  
HALES, Greg  
LAMPREY, Robyn  
ROWLANDS, Phil  
WILSON, Nicolas Mark  
WOODROW, Denise Maree

I declare Ian Allan, Julie Argent, Mellissa Evans, Samuel Fogg, Maree Glover, Raymond Haberle, Greg Hales, Robyn Lamprey, Phil Rowlands, Nicolas Mark Wilson and Denise Maree Woodrow elected.

**General Division, Allied Staff Sector**  
**Branch Deputy President, Allied Staff**

Candidate

JACKSON, Mandy

I declare Mandy Jackson elected.

## Branch Council Delegate, General Division Sector - Allied Staff (9)

### Candidates

BARWICK, Emily J.  
HODGSON, Allison  
MACLEOD, Pat

I declare Emily J. Barwick, Allison Hodgson and Pat MacLeod elected.

Other nominations were also received, but lapsed due to election to a higher office.

## General Division, Secondary Colleges Sector

Total number of persons on the roll of voters	512
Ballot papers issued	510
Duplicate ballot papers issued	0
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>510</b>
Ballot papers / envelopes returned for scrutiny	213
Less ballot papers / envelopes rejected at preliminary scrutiny	9
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>204</b>
Percentage of ballot papers returned to number issued	41%
Ballot papers returned as unclaimed mail	3
Ballot papers not returned	294

## Secondary Colleges Sector President/Branch Deputy President - Secondary Colleges

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
BENSEMANN, Gary	43	43
MCNAB, Brian	156	156
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	199	199
Formal ballot papers	199	199
Informal ballot papers	5	5

I declare Brian McNab elected.

## Branch Council Delegate, General Division Sector - Secondary Colleges (6)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
PRESTON, Matthew	0	0
HAWKINS, Susan Fay	0	0
NANDAN, Robyn Mary	0	0
FIDAO, Roland	0	0
BUTLER, Andrew	0	0
BEST, Romany	0	0
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	0	0
Formal ballot papers	0	0
Informal ballot papers	0	0

I declare Romany Best, Andrew Butler, Roland Fdao, Susan Fay Hawkins, Robyn Mary Nandan and Matthew Preston elected.

Other nominations were also received, but lapsed due to election to a higher office, and the count of the ballot was not required.

## Secondary Colleges Sector Vice-President

### Candidate

NANDAN, Robyn Mary

I declare Robyn Mary Nandan elected.

## Hobart College Sub-branch

Total number of persons on the roll of voters	65
Ballot papers issued	65
Duplicate ballot papers issued	0
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>65</b>
Ballot papers / envelopes returned for scrutiny	37
Less ballot papers / envelopes rejected at preliminary scrutiny	0
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>37</b>
Percentage of ballot papers returned to number issued	56%
Ballot papers returned as unclaimed mail	1
Ballot papers not returned	27

## Hobart College Sub-branch Secretary, General Division

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
PRESTON, Matthew	4	4
FIDAO, Roland	33	33
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	37	37
Formal ballot papers	37	37
Informal ballot papers	0	0

I declare Roland Fdao elected.

## Rosny College Sub-branch

### Rosny College Sub-branch Secretary, General Division

#### Candidate

A nomination was received, but lapsed due to election to a higher office.

## Elizabeth College Sub-branch

### Elizabeth College Sub-branch Secretary, General Division

#### Candidates

No nomination was received

## Claremont College Sub-branch

### Claremont College Sub-branch Secretary, General Division

#### Candidate

HAWKINS, Sue

I declare Sue Hawkins elected.

## Launceston College Sub-branch

### Launceston College Sub-branch Secretary, General Division

#### Candidates

No nomination was received

## Newstead College Sub-branch

### Newstead College Sub-branch Secretary, General Division

#### Candidates

No nomination was received

## Don College Sub-branch

### Don College Sub-branch Secretary, General Division

#### Candidates

No nomination was received

**Hellyer College Sub-branch**  
**Hellyer College Sub-branch Secretary, General Division**

Candidates

No nomination was received

**TAFE Division**

Total number of persons on the roll of voters	503
Ballot papers issued	501
Duplicate ballot papers issued	0
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>501</b>
Ballot papers / envelopes returned for scrutiny	117
Less ballot papers / envelopes rejected at preliminary scrutiny	4
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>113</b>
Percentage of ballot papers returned to number issued	23%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	384

**TAFE Division President/Branch Deputy President - TAFE**

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
CALVERT, Rex	85	85
PINNER, Shane	28	28
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	113	113
Formal ballot papers	113	113
Informal ballot papers	0	0

I declare Rex Calvert elected.

**TAFE Division Vice President (2)**

Candidate

RUTHVEN, Alan

I declare Alan Ruthven elected.

**TAFE Division Women's Officer**

Candidate

No nomination was received

**TAFE Division Adult Education Institute Representative**

Candidate

No nomination was received

**TAFE Division Allied Staff Representative**

Candidate

DUNCAN, Spring Leigh

I declare Spring Leigh Duncan elected.

**Branch Council Delegate, TAFE Division (6)**

Candidates

CLEARY, Steven  
DART, Sue  
HOWE, Sarah  
LENNARD, Paul  
RUTHVEN, Alan

I declare Steven Cleary, Sue Dart, Sarah Howe, Paul Lennard and Alan Ruthven elected.

## **Hobart Sub-branch**

### **Hobart Sub-branch Delegate to TAFE Division Executive**

#### Candidate

TURBETT, Elizabeth

I declare Elizabeth Turbett elected.

### **Hobart Sub-branch Secretary, TAFE Division**

#### Candidate

STOTHERS, Wendy

I declare Wendy Stothers elected.

### **Hobart Sub-branch Delegate to TAFE Division Council (4)**

#### Candidates

CLEARY, Steven

I declare Steven Cleary elected.

Another nomination was received, but lapsed due to election to a higher office.

## **Clarence Sub-branch**

### **Clarence Sub-branch Secretary, TAFE Division**

#### Candidate

A nomination was received, but lapsed due to election to a higher office.

### **Clarence Sub-branch Delegate to TAFE Division Council (2)**

#### Candidates

DEVERELL, Stephen  
HOWELLS, Glynn Alcwyn

I declare Stephen Deverell and Glynn Alcwyn Howells elected.

## **Launceston Sub-branch**

### **Launceston Sub-branch Delegate to TAFE Division Executive**

#### Candidates

No nomination was received

### **Launceston Sub-branch Secretary, TAFE Division**

#### Candidate

WATSON, Meghan

I declare Meghan Watson elected.

### **Launceston Sub-branch Delegate to TAFE Division Council (5)**

#### Candidate

A nomination was received, but lapsed due to election to a higher office.

## **Devonport Sub-branch**

### **Devonport Sub-branch Secretary, TAFE Division**

#### Candidate

PINNER, Shane

I declare Shane Pinner elected.



**Devonport Sub-branch Delegate to TAFE Division Council (2)**

Candidate

No nomination was received

**Burnie Sub-branch**

**Burnie Sub-branch Secretary, TAFE Division**

Candidates

No nomination was received

**Burnie Sub-branch Delegate to TAFE Division Council**

Candidates

No nomination was received

**Drysdale Sub-branch**

**Drysdale Sub-branch Secretary, TAFE Division**

Candidate

REES, Stuart

I declare Stuart Rees elected.

**Drysdale Sub-branch Delegate to TAFE Division Council**

Candidate

A nomination was received, but lapsed due to election to a higher office.

**Bender/Claremont Sub-branch**

**Bender Drive/Claremont Sub-branch Secretary, TAFE Division**

Candidates

No nomination was received

Michael Horwood  
Returning Officer  
Australian Electoral Commission

2 December 2011



## DECISION

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

**Australian Education Union**  
(E2011/2634)

T. NASSIOS

MELBOURNE, 25 AUGUST 2011

*Arrangement for conduct of election.*

[1] On 15, 17 and 24 August 2011, the Tasmania Branch of the Australian Education Union lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

Branch President

Branch Deputy President - South Region

Branch Deputy President - North Region

Branch Deputy President - North West Region

Branch Deputy President - Allied Staff

TAFE Division Branch Deputy President/TAFE Division President

TAFE Division Vice-President (2)

TAFE Division Women's Officer

Adult Education Institute Representative on TAFE Division Executive

Allied Staff Representative on TAFE Division Executive

Delegates to TAFE Division Council from the following Sub-branches:

Hobart (4)

Clarence (2)

Launceston (5)

Devonport (2)

Burnie (1)

Drysdale (1)

Delegates to TAFE Division Executive from the following Sub-branches:

Hobart (1)

Launceston (1)

TAFE Division Sub-branch Secretary - one from each of the following Sub-branches:

Hobart

Clarence

Launceston

Devonport

Burnie

Drysdale

Bender Drive/Claremont

Secondary Colleges Sector Deputy President/Secondary Colleges Sector President

Secondary Colleges Sector Vice-President

Secondary Colleges Sector Sub-branch Secretary - one from each of the following Sub-branches:

Hobart

Rosny

Elizabeth

Claremont

Launceston

Newstead

Don

Hellyer

Delegates to Branch Council from the following:

TAFE Division (6)

General Division Sectors:

Secondary Colleges (6)

North West (12)

North (14)

South (19)

Allied Staff (9)

Indigenous Members' Representative

Branch Executive Members (9)

[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  
FAIR WORK AUSTRALIA

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9 August 2011

Fair Work Australia  
GPO Box 1994s  
MELBOURNE VIC 3001



Dear Sir/Madam

**Statement: Prescribed Information**  
Section 214(1) of the Industrial Relations Act

In accordance with the Act, I lodge the following prescribed information in relation to elections to be conducted under the Tasmanian Branch Rules of the Union:

**1. Direct Voting System Elections:**

**Names of offices**

- (a) 1 Branch President  
*(elected by and from all members of the Tasmanian Branch)*
- (b) 1 Branch Deputy President, South Region  
1 Branch Deputy President, North Region  
1 Branch Deputy President, North West Region  
*(elected by and from members of the Tasmanian Branch in their respective region)*
- (c) 1 Branch Deputy President, Allied Staff  
*(elected by and from members of the Tasmanian Branch in the Allied Staff Sector)*
- (d) 1 TAFE Division Branch Deputy President (TAFE Division President)  
2 TAFE Division Vice-Presidents  
*(elected by and from members of the Tasmanian Branch TAFE Division)*  
1 TAFE Division Women's Officer  
*(elected by and from women members of the Tasmanian Branch TAFE Division)*  
  
1 Adult Education Institute representative on TAFE Division Executive  
*(elected by and from members of the TAFE Division Adult Education Institute)*
- (e) 1 Allied Staff representative on TAFE Division Executive  
*(elected by and from members of the TAFE Division Allied Staff members)*

.../2

- (f) Sub-branch delegates to TAFE Division Council: [Rule 12(1)(e)]
- |  |             |
|--|-------------|
| (i) Hobart sub-branch (109 members)                  | 5 positions |
| (ii) Clarence sub-branch (63 members)                | 3 positions |
| (iii) Launceston sub-branch (132 members)            | 6 positions |
| (iv) Devonport sub-branch (63 members)               | 3 positions |
| (v) Burnie sub-branch (50 members)                   | 2 positions |
| (vi) Drysdale sub-branch (39 members)                | 2 positions |
| (vii) Bender Drive/Claremont sub-branch (16 members) | 1 positions |
- (g) Sub-branch delegates to TAFE Division Executive [Rule 14(2)(f)]
- |  |             |
|--|-------------|
| (i) Hobart sub-branch (109 members)      | 2 positions |
| (ii) Launceston sub-branch (132 members) | 2 positions |
- (h) 7 sub-branch secretaries, TAFE Division [Rule 14(2)(e)]: (elected by and from members in the:
1. Hobart sub-branch
  2. Clarence sub-branch
  3. Launceston sub-branch
  4. Devonport sub-branch
  5. Burnie sub-branch
  6. Drysdale sub-branch
  7. Bender Drive/Claremont sub-branch)
- (i) 1 Secondary Colleges Sector Deputy President (President, Secondary Colleges Sector)  
1 Secondary Colleges Sector Vice-President  
*(elected by and from members in the Secondary Colleges Sector of the General Division)*
- (j) 8 sub-branch Secretaries, Secondary Colleges Sector  
*(elected by and from members in their respective Secondary Colleges Sector sub-branch - being Hobart, Rosny, Elizabeth, Claremont, Launceston, Newstead, Don and Hellyer Colleges)*

Branch Council Delegates [Rule 5(2)(a) and Rule 5(1)(d)]  
*(elected by and from members in their respective TAFE Division, General Division Sector or Indigenous Membership)*  
Positions determined as follows:

<i>(i) Division/Sector</i>	<i>No. of Members</i>	<i>No. of Councillors</i>
TAFE Division	472	6
General Division Sectors:		
Secondary Colleges	513	7
North West	1135	12
North	1478	15
South	2557	22
Allied Staff	745	9
<i>(ii) Indigenous Members' Representative</i>	49	1

- (k) 9 Branch Executive Members  
*(elected by and from the membership of the Tasmanian Branch on a state-wide basis)*

**Reasons for election:**

Requirement of the Union's Federal and Tasmanian Branch Rules.

**Voting system:**

Direct voting system as specified in the Union's Rules.

**Timetable:**

Nominations open: 19 September 2011

Nominations close: 10 October 2011

Ballot opens: 7 November 2011

Ballot closes: 28 November 2011

Yours sincerely



Chris Lane  
State Manager

CC: Michael Horwood (michael.horwood@aec.gov.au)

## SHEPHERD, Scott

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**From:** SHEPHERD, Scott  
**Sent:** Tuesday, 16 August 2011 2:52 PM  
**Subject:** E2011/2634 - AEU-IAS elections

Dear Chris Lane,

I received the notification of elections signed by you, and ask that you make the following amendments to the prescribed information. You may lodge the amended prescribed information directly to me by reply email.

- The legislative reference should be to section 189(1) of the *Fair Work (Registered Organisations) Act 2009*.
- Under the heading “reasons for election”, it should be noted that the terms of office are due to expire.
- In sections 1(f) and 1(g) of the prescribed information, the electorate should be specified, as it is in the other sections of the prescribed information. I also note that the references to rules in those sections appear to be wrong. 12(1)(e) should be 12(1)(h), and 14(2)(f) should be(14)(2)(g).
- The prescribed information must include the day provided for in the rules as the day on which the roll of voters is to be closed. I note that Rule 30(1A) appears to be the relevant rule, and it provides that the roll of voters is to be closed seven days before nominations are opened.
- The notification needs to be signed by an officer of the Branch.
- Sub-branch delegated to TAFE Division Council: In my opinion, for each of the sub-branches, there is one too many positions listed in the prescribed information. I refer you to the further amending decision [\[2009\] FWAD 197 PR989313](#), which reads in part:

“[6] The request by the President of the Branch led me to reconsider my interpretation of sub-rule 12(1)(h). I have reinterpreted that sub-rule to mean that there must be more than 25 members of a TAFE Division sub-branch in order for an entitlement to arise for the sub-branch to elect a Delegate to the TAFE Division Council. Consequently, the rule should be interpreted as follows:

1 to 25 members – entitled to 0 delegates  
26 to 50 members – entitled to 1 delegate  
51 to 75 members – entitled to 2 delegates etc”

- Branch Council Delegates: In my opinion, given the membership figures quoted in the prescribed information, the North West sector is due 13 Delegates, rather than the 12 listed in the prescribed information.
- Sub-branch delegates to TAFE Division Executive: In my opinion, each of the Hobart and Launceston sub-branches are due 1 Delegate each, rather than the 2 listed in the prescribed information. I refer you to the decision [\[2009\] FWAD 197](#), and note that the “further information” mentioned in the decision was correspondence, which resulted from discussions with FWA staff, from Leanne Wright, which interpreted rule 14(2)(g) consistently with my interpretation.

If you disagree with my interpretation or would like to discuss any of the matters listed, please contact me.

Kind regards,

**SCOTT SHEPHERD**  
Tribunal Services and Organisations

**Fair Work Australia**  
Tel: 03 8661 7787



Fax: 03 9655 0410  
[scott.shepherd@fwa.gov.au](mailto:scott.shepherd@fwa.gov.au)

11 Exhibition Street, Melbourne Victoria 3000  
GPO Box 1994, Melbourne Victoria 3001  
[www.fwa.gov.au](http://www.fwa.gov.au)

**Australian Education Union Tasmanian Branch**  
PO Box 117 NORTH HOBART TAS 7002

17 August 2011

Fair Work Australia  
GPO Box 1994s  
MELBOURNE VIC 3001

Dear Sir/Madam

**Statement: Prescribed Information (Amended)**  
Section 189(1) of the *Fair Work (Registered Organisations) Act 2009*

Following email correspondence to the State Manager, Mr Chris Lane, from Mr Scott Shepherd on 16 August 2011, the AEU concurs with the opinions of Mr Shepherd and submits this amended Prescribed Information. Please note that in our original PI, we inadvertently included some members who were unfinancial and excluded others who should have been counted. The correct figures are reflected in this document.

In accordance with the Act, I lodge the following Prescribed Information in relation to elections to be conducted under the Tasmanian Branch Rules of the Union:

**1. Direct Voting System Elections:**

***Names of offices***

- (a) 1 Branch President  
*(elected by and from all members of the Tasmanian Branch)*
  
- (b) 1 Branch Deputy President, South Region  
1 Branch Deputy President, North Region  
1 Branch Deputy President, North West Region  
*(elected by and from members of the Tasmanian Branch in their respective region)*
  
- (c) 1 Branch Deputy President, Allied Staff  
*(elected by and from members of the Tasmanian Branch in the Allied Staff Sector)*
  
- (d) 1 TAFE Division Branch Deputy President (TAFE Division President)  
2 TAFE Division Vice-Presidents  
*(elected by and from members of the Tasmanian Branch TAFE Division)*  
1 TAFE Division Women's Officer  
*(elected by and from women members of the Tasmanian Branch TAFE Division)*
  
- 1 Adult Education Institute representative on TAFE Division Executive  
*(elected by and from members of the TAFE Division Adult Education Institute)*

- (e) 1 Allied Staff representative on TAFE Division Executive  
*(elected by and from members of the TAFE Division Allied Staff members)*
- (f) Sub-branch delegates to TAFE Division Council: [Rule 12(1)(h)]
- |  |             |
|--|-------------|
| (i) Hobart sub-branch (109 members)                  | 4 positions |
| (ii) Clarence sub-branch (66 members)                | 2 positions |
| (iii) Launceston sub-branch (136 members)            | 5 positions |
| (iv) Devonport sub-branch (63 members)               | 2 positions |
| (v) Burnie sub-branch (50 members)                   | 1 position  |
| (vi) Drysdale sub-branch (39 members)                | 1 position  |
| (vii) Bender Drive/Claremont sub-branch (21 members) | no position |
- (elected by and from members in each of the above listed sub-branches (i) to (vi) inclusive)*
- (g) Sub-branch delegates to TAFE Division Executive [Rule 14(2)(g)]
- |  |            |
|--|------------|
| (i) Hobart sub-branch (109 members)      | 1 position |
| (ii) Launceston sub-branch (136 members) | 1 position |
- (elected by and from members in each of the above listed sub-branches)*
- (h) 7 sub-branch secretaries, TAFE Division [Rule 14(2)(e)]:  
*(elected by and from members in the:*
1. Hobart sub-branch
  2. Clarence sub-branch
  3. Launceston sub-branch
  4. Devonport sub-branch
  5. Burnie sub-branch
  6. Drysdale sub-branch
  7. Bender Drive/Claremont sub-branch)
- (i) 1 Secondary Colleges Sector Deputy President (President, Secondary Colleges Sector)  
1 Secondary Colleges Sector Vice-President  
*(elected by and from members in the Secondary Colleges Sector of the General Division)*
- (j) 8 sub-branch Secretaries, Secondary Colleges Sector  
*(elected by and from members in their respective Secondary Colleges Sector sub-branch - being Hobart, Rosny, Elizabeth, Claremont, Launceston, Newstead, Don and Hellyer Colleges)*

63 Branch Council Delegates [Rule 5(2)(a) and Rule 5(1)(d)]  
*(elected by and from members in their respective TAFE Division, General Division Sector or Indigenous Membership)*  
Positions determined as follows:

<b><i>(i) Division/Sector</i></b>	<b><i>No. of Members</i></b>	<b><i>No. of Councillors</i></b>
TAFE Division	484	6
<b>General Division Sectors:</b>		
Secondary Colleges	466	6
North West	987	11
North	1276	13
South	2065	18
Allied Staff	732	9
<b><i>(ii) Indigenous Members' Representative</i></b>	49	1

- (k) 9 Branch Executive Members  
(elected by and from the membership of the Tasmanian Branch on a state-wide basis)

**Reasons for election:**

Requirement of the Union's Federal and Tasmanian Branch Rules. The terms of office are due to expire.

**Voting system:**

Direct voting system as specified in the Union's Rules.

**Timetable:**

Roll of voters closes: 12 September 2011

Nominations open: 19 September 2011

Nominations close: 10 October 2011

Ballot opens: 7 November 2011

Ballot closes: 28 November 2011

Yours sincerely



Leanne Wright  
President

CC: Michael Horwood (michael.horwood@aec.gov.au)

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## SHEPHERD, Scott

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**From:** SHEPHERD, Scott  
**Sent:** Thursday, 18 August 2011 5:11 PM  
**Subject:** RE: AEU Tas Branch - Amended PI

Dear Ms Wright,

Thank you for the amended PI.

In my opinion, given the updated membership figures provided in the amended PI, the North West Sector is due 12 Branch Council Delegates, the North Sector is due 14, and the South Sector is due 19. The PI lists 11, 13 and 18 Delegates from those Sectors respectively.

The applicable formula for each 100 members, after the first 100 and up to the first 800 members, provides for an additional Delegate for each 100 members.

My calculations differ from those in the PI only for Sectors with membership numbers of more than 800. The applicable formula, after the first 800 members, provides for an additional Delegate for each 150 members, *or part thereof*. My interpretation of this is that any part of an additional 150 members, that is, anywhere from 1 to 150 additional members, creates an entitlement to an extra Delegate.

If you wish to discuss my interpretation please contact me. If you agree, you can lodge supplementary PI with the adjusted numbers.

Kind regards,

**SCOTT SHEPHERD**  
Tribunal Services and Organisations

**Fair Work Australia**  
Tel: 03 8661 7787  
Fax: 03 9655 0410  
[scott.shepherd@fwa.gov.au](mailto:scott.shepherd@fwa.gov.au)

11 Exhibition Street, Melbourne Victoria 3000  
GPO Box 1994, Melbourne Victoria 3001  
[www.fwa.gov.au](http://www.fwa.gov.au)

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**Australian Education Union Tasmanian Branch**  
PO Box 117 NORTH HOBART TAS 7002

24 August 2011

Fair Work Australia  
GPO Box 1994s  
MELBOURNE VIC 3001

Dear Sir/Madam

**Statement: Prescribed Information (Amended)**  
Section 189(1) of the *Fair Work (Registered Organisations) Act 2009*

Following email correspondence to the State Manager, Mr Chris Lane, from Mr Scott Shepherd on 16 August 2011, the AEU concurs with the opinions of Mr Shepherd and submits this amended Prescribed Information. Please note that in our original PI, we inadvertently included some members who were unfinancial and excluded others who should have been counted. The correct figures are reflected in this document.

In accordance with the Act, I lodge the following Prescribed Information in relation to elections to be conducted under the Tasmanian Branch Rules of the Union:

**1. Direct Voting System Elections:**

***Names of offices***

- (a) 1 Branch President  
*(elected by and from all members of the Tasmanian Branch)*
  
- (b) 1 Branch Deputy President, South Region  
1 Branch Deputy President, North Region  
1 Branch Deputy President, North West Region  
*(elected by and from members of the Tasmanian Branch in their respective region)*
  
- (c) 1 Branch Deputy President, Allied Staff  
*(elected by and from members of the Tasmanian Branch in the Allied Staff Sector)*
  
- (d) 1 TAFE Division Branch Deputy President (TAFE Division President)  
2 TAFE Division Vice-Presidents  
*(elected by and from members of the Tasmanian Branch TAFE Division)*  
1 TAFE Division Women's Officer  
*(elected by and from women members of the Tasmanian Branch TAFE Division)*
  
- 1 Adult Education Institute representative on TAFE Division Executive  
*(elected by and from members of the TAFE Division Adult Education Institute)*

- (e) 1 Allied Staff representative on TAFE Division Executive  
*(elected by and from members of the TAFE Division Allied Staff members)*
- (f) Sub-branch delegates to TAFE Division Council: [Rule 12(1)(h)]
- |  |             |
|--|-------------|
| (i) Hobart sub-branch (109 members)                  | 4 positions |
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Leanne Wright  
President

CC: Michael Horwood (michael.horwood@aec.gov.au)

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