

Australian Education Union
TAFE and Adult Provision Sector

DECLARATION OF RESULTS FOR UNCONTESTED 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.

E2011/2562

TAFE and Adult Provision Sector

Branch Deputy Vice-President (TAFE and Adult Provision)

Candidate

BARCLAY, Greg

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

Phoebe Chamberlain
Returning Officer

6 June 2011



FAIR WORK
AUSTRALIA

DECISION

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

Australian Education Union
(E2011/2562)

T. NASSIOS

MELBOURNE, 11 APRIL 2011

Arrangement for conduct of election.

[1] On 21 February 2011 the Australian Education Union - Victorian Branch lodged with Fair Work Australia the prescribed information in relation to an election to fill a casual vacancy in the following office for the remainder of the term of office:

Branch Deputy Vice-President (TAFE and Adult Provision)

[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
FAIR WORK AUSTRALIA

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AUSTRALIAN EDUCATION UNION

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21 February, 2011

General Manager
Fair Work Australia
GPO Box 1994
MELBOURNE VIC 3001

Dear Mr Lee,

RE: AUSTRALIAN EDUCATION UNION VICTORIAN BRANCH

I write to advise of a casual vacancy in the Office of Deputy Vice President TAFE and Adult Provision (TAP) sector of the AEU Victorian Branch.

The vacancy comes about as the result of the resignation of Mark Hyde (attachment1)

The election is from the financial members assigned to the TAFE and Adult Provision (TAP) sector of the Victorian Branch of the AEU. The voting system shall be by direct voting.

The roll of voters for any election to be conducted pursuant to these rules is to be closed seven days before the day on which nominations are opened in relation to all elections by a direct voting system for offices in the Branch.

The relevant rules are:

47 - ELECTION OF BRANCH OFFICERS

- (1) The Branch Officers shall take office on 1 January following their election and hold office for 3 years or until their successors take office.
- (2) The Branch President, the Branch Deputy President, the Branch Secretary and the Branch Deputy Secretary shall each be elected by a secret postal ballot by and from all financial members of the Branch.
- (3) The Branch Vice-Presidents and Branch Deputy Vice-Presidents shall be elected by secret postal ballot by and from all financial members of the Branch in the sector relevant to the particular office of Branch Vice-President or Branch Deputy Vice-President.
- (4) The Branch Returning Officer shall call for nominations for Branch Officer positions by sending a notice to each sub-branch secretary and by publishing a notice in a publication of the Union distributed to all members of the Branch.
- (5) The notice calling for nominations referred to in the previous sub-rule shall specify a date for the opening of nominations which shall be a date not less than 28 days before the date of closing of nominations and be a date after the date on which notices calling for nominations are sent to sub-branches and published in a Union publication in accordance with the previous sub-rule.
- (6) Nominations for the positions of Branch President, Branch Deputy President, Branch Secretary, and Branch Deputy Secretary shall:-

- (a) be in writing;
 - (b) be signed by the nominee who shall at the date of nomination be a financial member of the Branch;
 - (c)
 - (i) where the nominee is being nominated by a duly constituted meeting of a sub-branch - be signed by the sub-branch President and sub-branch Secretary; or
 - (ii) where the nominee is being nominated by 12 financial members of the Branch - be signed by each of the persons nominating the nominee; and
 - (d) be delivered to the Branch Returning Officer at the registered office of the Branch not later than 12.00 noon on the first Friday in September.
- (7) Nominations for the positions of the Branch Vice-Presidents and Branch Deputy Vice-Presidents shall:-
- (a) be in writing;
 - (b) be signed by the nominee who shall at the date of nomination be a financial member of the Branch in the sector relevant to the particular office of Branch Vice-President or Branch Deputy Vice-President;
 - (c)
 - (i) where the nominee is being nominated by a duly constituted meeting of a relevant sub-branch - be signed by the sub-branch president or sub-branch secretary; or
 - (ii) where the nominee is being nominated by 12 financial members of a relevant sector - be signed by each of the persons nominating the nominee; and
 - (d) be delivered to the Branch Returning Officer at the registered office of the Branch not later than 12.00 noon on the first Friday in September.
- (8) (a) This sub-rule applies where a person has nominated for more than one of the positions of Branch officer. For the purposes of this sub-rule, there shall be a hierarchy of positions as follows:-
- (i) Branch President;
 - (ii) Branch Secretary;
 - (iii) Branch Deputy President;
 - (iv) Branch Deputy Secretary;
 - (v) Branch Vice-President;
 - (vi) Branch Deputy Vice-President;
- (b) If only one person has nominated for a position listed in paragraph (a) and that person has also nominated for another position listed in paragraph (a), the nomination for the first listed position shall stand and the other nomination(s) shall lapse.

- (c) If two or more persons have nominated for an office listed in paragraph (a), and any of them have also nominated for any other position listed in paragraph (a), the ballot for the first listed position shall be counted first, and if the successful candidate has also nominated for any other position listed in paragraph (a), his or her name and the first preference votes gained by him or her shall be omitted in counting the ballot for the other offices, and the second and subsequent preference votes of the person omitted from the ballot shall be allocated to the remaining candidates.
- (9) The election for Branch Officers shall be completed by 1 November.
- (10) (a) Subject to paragraph (b), an extraordinary or casual vacancy (howsoever occurring) in a position of Branch Officer shall be filled by a secret postal ballot by and from all the financial members of the Branch or sector, as the case may be, as soon as practicable following the occurrence of the vacancy.
- (b) Where the unexpired portion of the term of the position in which an extraordinary or casual vacancy occurs does not exceed one half of the term of the position:-
 - (i) in the case of a position of Branch President, Branch Deputy President, Branch Secretary or Branch Deputy Secretary - the Branch Council may appoint a financial member of the Branch to fill the position; or
 - (ii) in the case of the position of Branch Vice-President or Branch Deputy Vice-President - the relevant Sector Council may appoint a financial member of the sector to fill the vacancy.
- (c) A person elected to fill an extraordinary or casual vacancy shall take office from the declaration of his or her election and hold office until the expiration of the term of the person replaced or until a successor takes office.
- (d) Where an election is to be conducted to fill an extraordinary or casual vacancy in a position of Branch Officer, the Branch Council in respect of the positions of Branch President, Branch Deputy President, Branch Secretary and Branch Deputy Secretary may appoint a financial member of the Branch to fill the position until an election is conducted in accordance with this sub-rule and the relevant Sector Council may, in respect of a Branch Vice-President or Branch Deputy Vice-President appoint a financial member of the sector to fill the position pending the conduct of an election in accordance with this sub-rule.

57 - ELECTIONS - GENERAL PROVISIONS

- (1) (a) The Branch Council shall, at its first meeting each year, appoint a Branch Returning Officer who shall not during the term of his or her office be an employee of or the holder of any office within the union or a branch, section or division of the union or a candidate in any election within the union and shall not be eligible to nominate any candidate for any election under the Federal Rules or the Federal Branch Rules and shall hold office until his or her successor is appointed.
- (b) If the Branch Returning Officer is unable to undertake his or her duties as and when required or if there is a casual vacancy in his or her office the Branch Executive shall appoint an acting Branch Returning Officer provided that no person so appointed shall be the holder of any other office or be an employee of or a candidate for any other office in the Union or a branch, section or division of the union.

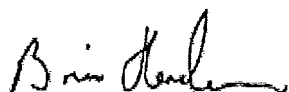
- (d) In the event that there are insufficient nominations in respect of any election being conducted pursuant to these rules, any persons who have nominated shall be declared elected and nominations for any remaining unfilled positions shall be recalled by the Returning Officer.
 - (e) The Branch Returning Officer shall, in exercising any of his or her powers in paragraphs (c) and (d), conduct the election in accordance with the relevant rules of the Branch provided that the Branch Returning Officer may make such modifications to the rules as are reasonably necessary to permit the election to be undertaken without delay.
- (2) An election which is required by these Rules to be conducted by a secret postal ballot shall be conducted in accordance with this rule.
 - (2A) The roll of voters for any election to be conducted pursuant to these rules is to be closed seven days before the day on which nominations are opened in relation to all elections by a direct voting system for offices in the Branch.
 - (3) The Branch Returning Officer shall, on the close of nominations, check all nominations received for compliance with the requirements of the Rules and where the Branch Returning Officer considers that any nomination is defective, he or she shall immediately notify the person concerned of the defect by the most expeditious means and, where it is practicable to do so, give him or her the opportunity of remedying the defect, allowing, if practicable, at least 7 days after notification.
 - (4) Where, there is no more than one valid nomination for a position, the Branch Returning Officer shall declare the nominated person elected.
 - (5) The Branch Returning Officer shall, where there are more nominations than there are vacancies for a position, have the ballot papers prepared and delivered to him or her containing the names of the candidates for each position in an order chosen by ballot indicating the number to be elected to each position, the manner in which votes shall be recorded and the date and time fixed for the closing of the ballot.
 - (6) Each ballot paper issued shall be initialled by the Branch Returning Officer or shall bear a facsimile of his or her initials.
 - (7) The Branch Returning Officer shall cause to be delivered to each member who is financial as at the date of the closure of the roll of voters a pre-paid reply envelope, a ballot paper and declaration envelope with a removable flap/label upon which the voter shall be required to sign as an eligible voter, such removable flap/label shall be detached or separated from the declaration envelope by the Branch Returning Officer and placed in separate piles so as to ensure that the ballot paper cannot be identified with the removable flap/label. Both envelopes shall be in the form prescribed by the regulations made under Schedule 1B of the Workplace Relations Act 1996.
 - (8) For the purpose of this Rule ballot papers shall be sent to members at their last known place of work or other mailing address nominated by the member.
 - (9) The Branch Returning Officer shall, at the request of a candidate or group of candidates, forward with each ballot paper electoral material lodged by the candidate or groups of candidates. That material must be lodged within seven days of the close of nominations, be restricted to a maximum of 200 words per candidate and may include a passport size photograph. The material may include an indication of preference provided all candidates are shown in the order they appear on the ballot paper and there is a preference allocated to each candidate.

- (10) Where a member entitled to vote at a ballot will be absent during the conduct of the ballot, he or she may, during the period after nominations have closed and before the opening date of the ballot, apply in writing to the Branch Returning Officer for an absentee vote stating that his or her absence could otherwise prevent his or her voting at the ballot.
- (11) Where the Branch Returning Officer receives an application under sub-rule 10 and is satisfied that the member will be prevented from voting at the ballot, the Branch Returning Officer shall, by prepaid post, forward to the member a ballot paper in accordance with this Rule.
- (12) The Branch Returning Officer shall arrange for the use of a post office box or other receptacle into which ballot papers may be returned.
- (13) The Branch Returning Officer shall on the closing of the ballot, collect the ballot papers and shall in the presence of the scrutineers, if so requested, count all the votes in accordance with Rule 60 and declare the result of the ballot.
- (14) The Branch Returning Officer shall, in the event of a tie occurring, determine the result by drawing lots in the presence of the tied candidates or their scrutineers provided that if one of the tied candidates is a retired office holder from the position subject to the ballot, then he or she shall be declared elected.

We request that the Australian Electoral Commission be authorised to conduct these elections in accordance with the AEU Federal Branch Rules and Regulation 138 of the Act.

The prescribed information contained herein is being lodged in accordance with 189 (1) of the Fair Work (Registered Organisations) Act 2009.

Yours sincerely



BRIAN HENDERSON

Branch Secretary