

10 May 2018

# Post-election Report

Australian Education Union Western Australian  
Branch Scheduled Election E2017/169

# Contents

Election(s) Covered in this Report.....	3
Rules .....	3
Roll of Voters .....	3
Irregularities .....	3
Other Matters.....	4
Attachments .....	4

## Election(s) Covered in this Report

---

Election Decision No/s: E2017/169

## Rules

---

Rules used for the election: 284V: Incorporates alterations of 21 August 2017  
[R2017/139] (replaces rulebook dated 23 June 2017 [R2017/54])

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

## Roll of Voters

---

The roll of voters was supplied by the Organisation. As there was not a contest the roll was not used.

## Irregularities

---

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

Other irregularities identified, and action taken: Nil

## Other Matters

---

Nil

## Attachments

---

- 1) Declaration of Results for Uncontested Offices – Main Election
- 2) Declaration of Results for Uncontested Offices – Recall Election



Simon Bulloch  
Returning Officer

10 May 2018



8 May 2018

The Branch Secretary  
Australian Education Union-Western Australia Branch  
contact@sstuwa.org.au

Dear Branch Secretary,

cc: aeu@aeufederal.org.au

### **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 uncontested offices for Western Australian Branch [E2017/169]. 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 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-Western Australia 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.

Regards

**Christine Hibberd**  
**Registered Organisations Commission**

**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].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  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]:<sup>3</sup>
  - COMMENCED operation:
    1. *[include name of each new branch]*
    2. ...
  - CEASED operation:
    1. *[include name of each closed branch]*

---

<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> s.230(1)(d); reg.147(b) & (c)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).]*



**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.*

<b>Branch</b>	<b>Date of Change</b>	<b>Name of Office that has changed</b>	<b>Name of <u>Outgoing</u> Office Holder</b>	<b>Name of <u>New</u> Office Holder</b>	<b>Postal Address of <u>New</u> Office Holder</b>	<b>Occupation of <u>New</u> Office Holder</b>
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</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>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>...</i>						
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</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>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>...</i>						

**Australian Education Union**  
**Western Australian Branch**  
**DECLARATION OF RESULTS - E2017/169**  
**Uncontested Offices**

---

**Recall 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:

**District of Belmont**

**Branch Councillor (4)**

Candidates

MOORMAN, Justine

**District of Bunbury**

**Branch Councillor (6)**

Candidates

CHAPPLE, Renee

JAMIESON, Shane

**District of Butler**

**Branch Councillor (9)**

Candidates

MACNICOL, Geoff

**District of Fremantle**

**Branch Councillor (8)**

Candidates

ELVIN, Jade

CAVALLARO, Lydia

**District of Goldfields**

**Branch Councillor (3)**

Candidates

MCCARTHY, Tracey Peta

KELLY, Caroline

RISEBERRY, Heather

**District of Hillarys**

**Branch Councillor (8)**

Candidates

ARCUS, Alana

MURPHY, Michelle

**District of Jandakot**

**Branch Councillor (6)**

Candidates

*No Nominations Received*

**District of Kalamunda**

**Branch Councillor (6)**

Candidates

MALLON, Arnah

VALDRIGHI, Linda

HILL, Brendon

FETTERROLL, Gail

**District of Kimberley-Pilbara**

**Branch Councillor (1)**

Candidates

HARRIS, Jasmine

**District of Maylands**

**Branch Councillor (4)**

Candidates

OFFER, Helene

**District of Moore**

**Branch Councillor (6)**

Candidates

HEATH, Jen

KEOGH, Daron

COX, Steve

BROOMHALL, Tristan  
PARRY, Glyn

**District of Morley**

**Branch Councillor (3)**

Candidates

COOKSON, Glen  
BIRKELBACH, Karl  
HUGHES, Stephanie

**District of Murray**

**Branch Councillor (7)**

Candidates

HASSETT, Rachel

**District of Perth**

**Branch Councillor (6)**

Candidates

*No Nominations Received*

**District of Riverton**

**Branch Councillor (9)**

Candidates

MURRAY, Sarah  
REED, Gail Francis

**District of Rockingham**

**Branch Councillor (9)**

Candidates

SCHIEFLER, Richard  
KING, Chas  
VAUGHAN, Annie  
PUSKIC, Carol

**District of Scarborough**  
**Branch Councillor (6)**

Candidates

MORGAN, Graeme

**District of Stirling**  
**Branch Councillor (6)**

Candidates

EMERY, Sonia

**District of Swan**  
**Branch Councillor (8)**

Candidates

ROGERS, Jacqueline Marian

WALES, Ramona Maree

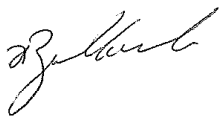
**District of Victoria Park**  
**Branch Councillor (6)**

Candidates

KNAPTON, Paul Edward

GRIFFITHS, Kyle

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



Simon Bulloch  
Returning Officer  
Australian Electoral Commission  
07/05/2018



23 February 2018

The Branch Secretary  
Australian Education Union-Western Australia Branch  
[contact@sstuwa.org.au](mailto:contact@sstuwa.org.au)

cc: aeu@aeufederal.org.au

Dear Branch Secretary,

### **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 uncontested offices for Western Australia Branch [E2017/169]. 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 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-Western Australia 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.

Regards

**Christine Hibberd**  
**Registered Organisations Commission**

**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].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  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]:<sup>3</sup>
  - COMMENCED operation:
    1. *[include name of each new branch]*
    2. ...
  - CEASED operation:
    1. *[include name of each closed branch]*

---

<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> s.230(1)(d); reg.147(b) & (c)



2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).]*

**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.*

<b>Branch</b>	<b>Date of Change</b>	<b>Name of Office that has changed</b>	<b>Name of <u>Outgoing</u> Office Holder</b>	<b>Name of <u>New</u> Office Holder</b>	<b>Postal Address of <u>New</u> Office Holder</b>	<b>Occupation of <u>New</u> Office Holder</b>
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</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>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>...</i>						
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</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>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>...</i>						

**Australian Education Union**  
**Western Australian Branch**  
**DECLARATION OF RESULTS - E2017/169**  
**Uncontested Offices**

---

**Scheduled 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:

District of Belmont

Branch Councillor (6)

Candidate/s

BALDWIN	Karen
O'NEILL	Bob

District of Bunbury

Branch Councillor (9)

Candidate/s

KILNER	William
SCHMITT	Natasha
WILLIAMSON	Vanessa

District of Butler

Branch Councillor (9)

Candidate/s

*No nominations received*

District of Fremantle

Branch Councillor (8)

Candidate/s

*No nominations received*

District of Goldfields

Branch Councillor (7)

Candidate/s

CHAMBERS	Geoff
TALBOT	Jo
WRIGHT	Joanna
ZAHWE	Ruth

District of Hillarys

Branch Councillor (8)

Candidate/s

*No nominations received*

District of Jandakot  
Branch Councillor (7)  
Candidate/s  
GISBORNE

Anne

District of Kalamunda  
Branch Councillor (8)  
Candidate/s  
ELLIS  
YANG

Julie Anne  
Lisa

District of Kimberley-Pilbara  
Branch Councillor (10)  
Candidate/s  
AGAFONOFF  
CHAPLIN  
CHAPMAN  
DIMITROF  
LUNDY  
LUNDY  
SCORER  
SMITH  
YOUNG

Julian  
Sheena  
Trish  
Arty  
Josephine  
Victor  
Stacey  
Sue  
Bradley

District of Maylands  
Branch Councillor (6)  
Candidate/s  
BLITVICH  
SHARRETT

Amy  
Peter

District of Moore  
Branch Councillor (9)  
Candidate/s  
HOWELL  
SKEHAN  
WANN

Daniel  
Renee  
Brenda

District of Morley  
Branch Councillor (8)  
Candidate/s  
BLAY  
CHARLES  
COLLINS  
REA  
VIRGONA

Robynn  
Sam  
Rebecca  
Suzy  
Nick

District of Murray  
Branch Councillor (7)  
Candidate/s  
*No nominations received*

District of Perth  
Branch Councillor (8)  
Candidate/s  
BURKE  
MCMAHON

Pat  
Rick

District of Riverton  
Branch Councillor (9)  
Candidate/s  
*No nominations received*

District of Rockingham  
Branch Councillor (12)  
Candidate/s  
BAKER  
FOWLER  
HEDGER

Diane  
Amanda C  
Gary

District of Scarborough  
Branch Councillor (6)  
Candidate/s  
*No nominations received*

District of Stirling  
Branch Councillor (7)  
Candidate/s  
PORTEOUS

Jasmine

District of Swan  
Branch Councillor (9)  
Candidate/s  
SORRELL

Nicola

District of Victoria Park  
Branch Councillor (7)  
Candidate/s  
ANNEAR

Kimberley

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



Simon Bulloch  
Returning Officer  
Australian Electoral Commission  
21 February 2018



## DECISION

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

**Australian Education Union**  
(E2017/169)

MR ENRIGHT

MELBOURNE, 15 AUGUST 2017

*Arrangement for conduct of election.*

[1] On 3 August 2017 the Western Australia Branch of the Australian Education Union lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Members of Branch Council (number to be determined in accordance with the rules) from the following districts:

Belmont  
Bunbury  
Butler  
Fremantle  
Goldfields  
Hillarys  
Jandakot  
Kalamunda  
Kimberley-Pilbara  
Maylands  
Moore  
Morley  
Murray  
Perth  
Riverton  
Rockingham  
Scarborough  
Stirling  
Swan  
Victoria Park

[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 COMMISSIONER

Printed by authority of the Commonwealth Government Printer

<Price code A, PR350827>



**From:** ROC - Registered Org Commission  
**Subject:** FW: PI for Branch Council Election 2018.pdf  
**Attachments:** PI for Branch Council Election 2018.pdf

-----Original Message-----

From: Sheryl Spurway [<mailto:sspurway@sstuwa.org.au>]  
Sent: Thursday, 3 August 2017 4:12 PM  
To: ROC - Registered Org Commission  
Subject: PI for Branch Council Election 2018.pdf

Attention: Sam Gallichio

Hi Sam, please see the attached correspondence from Mary Franklyn, Branch Secretary, AEU (WA) Branch.

This is the correspondence we sent in last year, please let us know if this is correct.

Thank you.

Your message is ready to be sent with the following file or link attachments:

PI for Branch Council Election 2018.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled. This email is intended only for the use of the individual or entity named above and may contain information that is confidential and privileged. If you are not the intended recipient, you are hereby notified that any distribution or copying of this email is strictly prohibited. If you have received this email in error, notify us immediately by return email and destroy the original message. All emails have been checked for viruses. Thank you.



# Australian Education Union (W.A. Branch)

P.O. Box 6140, East Perth W.A. 6892  
Inwats: 1800 199 073  
Branch President: **Patricia Byrne**  
Branch Secretary: **Mary Franklyn**

Telephone: 9210 6000  
Facsimile: 9210 6001  
Email: [inquiries@sstuwa.org.au](mailto:inquiries@sstuwa.org.au)

Our Ref: MF:SS:17-07510

3<sup>rd</sup> August 2017

Sam Gallichio  
Registered Organisations Commission  
GPO Box 2983  
Melbourne VIC 3001

Email: [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

Dear Sam

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

In accordance with Section 189 (1) of the Fair Work (Registered Organisations) Act 2009 and Regulation 138, I wish to lodge the following prescribed information in relation to elections in the Australian Education Union, Western Australian Branch, for the undermentioned offices.

I am an officer of the **Australian Education Union (W.A. Branch)** and am authorised to lodge this prescribed information.

### **Names of Offices:**

Elections will need to be held under Rule 2(1)(b) to elect:

**Members of Branch Council approximately 150:**  
*20<sup>th</sup> March 2018 – 19<sup>th</sup> March 2019*

### **Reason for the Elections:**

The current term of office for the above positions expires on 19<sup>th</sup> March 2018.

The electorates for the elections are:

- Financial members whose place of work is within the same specified district as that of the elected delegates.
- The specified districts are as contained in Appendix B of the Federal Branch Rules – SCHEDULE OF DISTRICTS as follows:

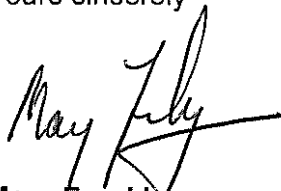
1. **BELMONT**- consisting of the state electorates of Bassendean, Belmont and Forrestfield.
2. **BUNBURY** - consisting of the state electorates of Bunbury, Vasse and Collie-Preston.
3. **BUTLER** - consisting of the state electorates of Burns Beach, Joondalup and Butler.
4. **FREMANTLE** - consisting of the state electorates of Fremantle, Bicton and Willagee.
5. **GOLDFIELDS** - consisting of the state electorates of Kalgoorlie, and Roe.
6. **HILLARYS** - consisting of the state electorates of Wanneroo, Hillarys and Kingsley.
7. **JANDAKOT** - consisting of the state electorates of Cockburn, Jandakot and Southern River.
8. **KALAMUNDA** - consisting of the state electorates of Armadale, Darling Range and Kalamunda.
9. **KIMBERLEY- PILBARA**- consisting of the state electorates of Kimberley, Pilbara and North-West Central.
10. **MAYLANDS** - consisting of the state electorates of Maylands, Balcatta and Mount Lawley.
11. **MOORE** - consisting of the state electorates of Geraldton, Moore and Central Wheatbelt.
12. **MORLEY**- consisting of the state electorates of Girrawheen, Mirrabooka and Morley.
13. **MURRAY**- consisting of the state electorates of Mandurah, Dawesville and Murray-Wellington.
14. **PERTH** - consisting of the state electorates of Cottesloe, Nedlands and Perth.
15. **RIVERTON** - consisting of the state electorates of Bateman, Riverton and Thornlie.
16. **ROCKINGHAM** - consisting of the state electorates of Rockingham, Kwinana, Warnbro and Baldivis.
17. **SCARBOROUGH** - consisting of the state electorates of Churchlands, Scarborough and Carine.
18. **STIRLING** - consisting of the state electorates of Albany and Warren-Blackwood.
19. **SWAN** - consisting of the state electorates of West Swan, Swan Hills and Midland.
20. **VICTORIA PARK** - consisting of the state electorates of South Perth, Victoria Park and Cannington.

The number of Branch Council members for each district shall be determined in accordance with Federal Branch Rule 2(1)(b).

The voting system is by direct election. Under Rule 13 (9A), the roll of voters for any election is to be closed seven days before the day on which nominations are opened. Under Rule 9(8), nominations for election to Branch Council shall be called at least fourteen days prior to the date on which nominations close.

The dates and times that nominations close are to be fixed by the Returning Officer pursuant to the Rules.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mary Franklyn', with a long horizontal stroke extending to the right.

**Mary Franklyn**  
Branch Secretary, AEU (WA) Branch



2 August 2017

Ms Mary Franklin  
Branch Secretary  
Australian Education Union-Western Australia Branch  
Sent via email: [contact@sstuwa.org.au](mailto:contact@sstuwa.org.au)

CC: AEC Returning Officer by email: [industrial.elections@aec.gov.au](mailto:industrial.elections@aec.gov.au)

Dear Ms Franklin,

### **Election Overdue**

We refer to our courtesy letter dated 6 July 2017 which reminded you of your obligation to lodge the prescribed information in relation to the impending election for offices within the branch. According to the rules of the branch, the calling of nominations for the election appears to commence in the month of October.

It is noted that the prescribed information for your branch's election has not been lodged with the Registered Organisations Commission (the ROC) as at the date of this letter, which was due two months before nominations open for the election. Neither has an application been made to the Commissioner seeking a later date for lodgement of your branch's prescribed information under the *Fair Work (Registered Organisations) Act 2009* (the 'Act') and the *Fair Work (Registered Organisations) Regulations 2009*. It therefore appears that your branch is now in breach of s.189(2) of the Act.

Accordingly, it is requested that your branch lodge the required prescribed information for election of the Branch Council within fourteen days (14) of the date of this letter. Should the relevant prescribed information not be received within this time, the matter will be referred to the Commissioner for determination of the further action to be undertaken. **This may include applying under s.310(1) of the Act to the Federal Court of Australia for a pecuniary penalty order.**

We strongly encourage you to lodge the required documents electronically to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au) quoting [E2017/169]

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Sam Gallichio'.

**Sam Gallichio**  
Registered Organisations Commission



6 July 2017

Ms Mary Franklin  
Branch Secretary  
Australian Education Union-Western Australia Branch

Sent via email: [contact@sstuwa.org.au](mailto:contact@sstuwa.org.au)

CC: AEC Returning Officer by email: [industrial.elections@aec.gov.au](mailto:industrial.elections@aec.gov.au)

Dear Ms Franklin ,

**Courtesy Letter - Election for offices [E2017/169]**

The rules of the Australian Education Union-Western Australia Branch indicate that an election for offices within the branch is due to commence shortly.

- Branch Council

It appears that nominations for the election for the above-named offices open in October this year.

This is a courtesy letter to remind you of your obligation to lodge information about the election (known as the 'prescribed information') pursuant to sub-sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') within the month. Prescribed information must be lodged with the Registered Organisations Commission (the ROC) two months before nominations open for the election.

If you have a different interpretation for the commencement of the election or the offices due for election under your rules, please let the ROC know, otherwise, the prescribed information should contain details of the election as required by regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009* (the 'Regulations'), and any subsequent collegiate elections, if that is relevant. A sample of the prescribed information can be found on our website at <http://www.roc.gov.au/resources-and-decisions/fact-sheets-templates-and-webinars>.

The prescribed information should be emailed to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au). If your branch believes that it will be unable to comply with the prescribed day as set out in the Regulations, it will need to apply to the Commissioner within the month for a later date. Such request will need to set out in detail the reason why your organisation is unable to comply with the requirement. While the Commissioner will consider such an application, there is no assurance that consent to a later day will be allowed.

**It should be noted Section 189(2) is a civil penalty provision.** Failure for an organisation to comply may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or the organisation.

The ROC intends to continue to provide reminders that an election is due as a courtesy. However failure to receive a reminder from the ROC cannot be relied on as a reason for late, incorrect or non-lodgment of prescribed information. The obligation to lodge prescribed information consistent with the Act and the rules of the organisation rests with the organisation.

When lodging the prescribed information, please quote [E2017/169]

Should you seek any clarification in relation to the above, please contact the ROC on [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

Yours faithfully,



**Sam Gallichio**  
**Registered Organisations Commission**