



Industrial Elections – ACT Office

GPO Box 1824
CANBERRA ACT 2601

Reference: N10/224

Mr Ken McAlpine
National Industrial Officer
National Tertiary Education Industry Union
PO Box 1323
South Melbourne VIC 3205

Industrial Elections – ACT Office

1st Floor, 8 - 10 Hobart Place
CANBERRA ACT 2601

Telephone: (02) 6249 7943
Facsimile: (02) 6248 7559
Email: sonny.neoh@aec.gov.au

website: www.aec.gov.au ; ABN: 21 133 285 851

Dear Ken,

**National Tertiary Education Industry Union, Australian Capital Territory Division
Divisional National Executive Member - Vacancy Election
E2010/ 2560 Refers.**

I refer to my letter of 14 May 2010 concerning the arrangements for me to conduct an election for the vacant Divisional National Executive Member office in the ACT Division. I wish to advise that a ballot will not be necessary.

My declaration of the uncontested office is attached.

Yours sincerely

Sonny Neoh
Returning Officer
Australian Electoral Commission, Canberra

4 June 2010

cc Delegate of the General Manager, Fair Work Australia
Candidate

**National Tertiary Education Industry Union
Australian Capital Territory Division**

DECLARATION OF RESULTS FOR UNCONTESTED OFFICE

Results of the election for the following office conducted in accordance with the provisions of the Fair Work (Registered Organisations) Act 2009 and the rules of the organisation.

E2010 / 2560 Refers.

Australian Capital Territory Division

Divisional National Executive Member

Candidate

MUDFORD, Neil Robert

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

Sonny Neoh
Returning Officer
Australian Electoral Commission, Canberra

4 June 2010



FAIR WORK
AUSTRALIA

DECISION

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

National Tertiary Education Industry Union
(E2010/2560)

T. NASSIOS

MELBOURNE, 12 MAY 2010

Arrangement for conduct of election.

[1] On 12 April 2010 the National Tertiary Education Industry Union lodged with Fair Work Australia the prescribed information in relation to an election to fill a casual vacancy, for the remainder of the term of office, in the following office

Divisional National Executive Member (Australian Capital Territory Division)

[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

Printed by authority of the Commonwealth Government Printer

<Price code A, PR997039 >

File: 50/70/003

12 April 2010

General Manager
Att: Larry Powell
Fair Work Australia
GPO Box 1994
MELBOURNE VIC 3001



NATIONAL OFFICE

ABN 38 579 396 344

First floor, 120 Clarendon St, Southbank VIC 3006

PO Box 1323, South Melbourne VIC 3205

Tel: (03) 9254 1910 Fax: (03) 9254 1915

Email: nteunat@nteu.org.au

Web: www.nteu.org.au

Dear General Manager

Re: National Tertiary Education Industry Union - Request for Election to be Held

A casual vacancy has occurred in the NTEU for the position of Divisional National Executive Member, ACT Division, following the resignation of Rachael Bahl on 27 November 2009. A copy of Ms Bahl's resignation is attached.

Rule 80.3 requires that in the event of an extraordinary or casual vacancy occurring in the office of Division President, an election shall be held except in certain circumstances which are not applicable in this case. Therefore this application is made separately from the more general application which was lodged last Friday.

I hereby request, pursuant to Section 189 of Schedule 1 of the Act, that the General Manager arrange for the conduct of an election, and state the following prescribed information according to Regulation 138:

- **The name of the office** (138(1)(a)) is Divisional National Executive Member, Australian Capital Territory Division.
- **The reason for the election** (138(1)(b)) is that a casual vacancy has occurred (ii).
- **The electorate from which the office is to be elected** (138(1)(d)) is the ACT Division Council.
- **The voting system to be employed** (138(1)(g)) in the conduct of the election is a collegiate electoral system.
- **The period during which nominations may be called** (138(1)(e)) is not specified in the rules.
- **The day provided for in the rules as the day on which the roll of voters is to be closed** (138(1)(f)) is the seventh day before the date determined for the opening of nominations.

The initial assessment of the situation following Ms Bahl's resignation from Division President and Divisional National Executive Member (A.C.T.) was that, by virtue of changes made in to the Rules in 2008, the election of the Division President to this position at the ordinary election in 2008 "determined" (for the purpose of Schedule E, Rule 2 of the Rules) that the holder of the office of Division President, whomever that might be from time to time, is the holder of the office of Divisional National Executive Member for the balance of the 'term of office'. However, after further reflection, we have taken counsel's advice, and on the basis of that advice we now lodge this request.

I certify that to the best of my knowledge and belief, the information is correct and based upon advice given by the relevant Division.

I have sent the Australian Electoral Commission (Sonny Neoh Sonny.Neoh@aec.gov.au) a copy of this request.

Please contact Ken McAlpine from this office if you have any questions regarding this request.

Yours sincerely,



GRAHAME MCCULLOCH
General Secretary
encl.