

Ms Tracey Coster  
National Industrial Officer  
National Tertiary Education Industry Union  
PO Box 1323  
South Melbourne VIC 3205

**Post Election Report For: National Tertiary Education Industry Union  
E2013/258**

I refer to the above election for your organisation.

Section 197(1) of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to the Fair Work Commission and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members. Further, Regulation 141(4) of the Fair Work (Registered Organisations) Act 2009 requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Laura Leavy  
Returning Officer

29 October 2013

Fair Work (Registered Organisations) Act 2009

**POST ELECTION REPORT**

**National Tertiary Education Industry Union Elections 2013**

**ELECTION/S COVERED IN THIS REPORT**

Election Decision No: E2013/258

**RULES**

Rules used for the election: [283V: Incorporates alterations of 4 May 2012  
[R2011/221] (replaces 14/07/11 version [R2011/95])  
Rules difficult to apply/interpret: None  
Model Rule reference (if any): N/A

**ROLL OF VOTERS**

Total number of voters on the Roll: 131  
Number of apparent workplace addresses: Various, however appropriate given the nature  
of work undertaken.  
Other matters pertaining to the roll of voters: Nil

**IRREGULARITIES**

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

**ATTACHMENTS**

Declaration

Laura Leavy  
Returning Officer

29 October 2013

**National Tertiary Education Industry Union  
Casual Vacancy - Ordinary National Executive Member - E2013/258**

## Declaration of Results

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.

### National Offices

Total number of names on the roll of voters	131
Ballot papers issued	131
Replacement ballot papers issued	2
<b>Total Ballot Papers Issued</b>	<b>133</b>
Ballot papers / envelopes returned for scrutiny	78
Less ballot papers / envelopes rejected at preliminary scrutiny	1
Adjusting balance	0
<b>Total Ballot Papers Admitted to Scrutiny</b>	<b>77</b>
Percentage of ballot papers returned to number issued	58
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	53

### Ordinary National Executive Member

<u>Candidates</u>	<u>Votes</u>
RYTMEISTER, Cathy	38
BUNT, Stuart	39
Exhausted Votes	0
Loss/Gain by Fraction	0
Total votes	77
Formal ballot papers	77
Informal ballot papers	0

I declare Stuart Bunt elected.

Laura Leavy  
Returning Officer  
Australian Electoral Commission

22 October 2013



## DECISION

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

**National Tertiary Education Industry Union**  
(E2013/258)

MR ENRIGHT

MELBOURNE, 4 SEPTEMBER 2013

*Arrangement for conduct of election.*

[1] On 27 August 2013 the National Tertiary Education Industry Union lodged with the Fair Work Commission 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:

Ordinary National Executive Member

[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

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27 August 2013

The General Manager  
 Fair Work Commission  
 GPO Box 1994  
 MELBOURNE VIC 3001

Dear General Manager,

**Request for Supplementary Election**

The NTEU currently has a vacancy in the position of Ordinary National Executive Member consequent upon the resignation of Jan Sinclair-Jones addressed to the General Secretary (See Attachment 2) and the cessation of her membership of the Union. Please find herewith a Request (Attachment 1) for an election to be held under the Rules of the National Tertiary Education Industry Union. Rule 80.1 prescribes as follows:

*80.1 In the event of an extraordinary or casual vacancy occurring in the office of either National Vice-President or ordinary member of the Executive, an election shall be held in accordance with Rule 69 provided that if the vacancy occurs within the six months prior to the date appointed for re-election of the position in question, the Executive may appoint any Member of the National Council to carry out temporary duties until the election is held.*

Our reading of that rule is that such an election must be held, as the term of office does not expire until October in 2014.

Please find a copy of the resignation of Dr Sinclair-Jones, and our request.

Yours sincerely,

Ken McAlpine  
Education & Training Officer  
 Encl.

**NATIONAL TERTIARY EDUCATION INDUSTRY UNION**  
**REQUEST FOR ELECTIONS TO BE HELD**

I, **GRAHAME MCCULLOCH**, General Secretary of the National Tertiary Education Industry Union, hereby request, pursuant to Section 189 of the Fair Work (Registered Organisations) Act 2009, that the General Manager arrange for the conduct of an election in 2013, and state as follows:

1. Elections are required for those positions specified in the attached table, Attachment A.
2.
  - (a) **The name of the office** (Regulation 138(1)(a)) is specified in the first and second columns of Attachment A.
  - (b) **The reason for the election** (138(1)(b)) is as specified in the fifth column of Attachment A.
  - (c) **Where more than one of the offices in respect of which an election is required have the same name** (138(1)(c)) the number of such offices is as specified in the third column of Attachment A, headed "No. Required".
  - (d) **The electorate from which each office is to be elected** (138(1)(d)) is as indicated in the fourth column of Attachment A.
  - (e) **The voting system to be employed** (138(1)(g)) in the conduct of the election is as indicated in the sixth column of Attachment A.
  - (f) **The period during which nominations may be called** (138(1)(e)) - no time is prescribed by the rules.
  - (g) **The date provided for in the rules as the day on which the roll of voters is to be closed** (138(1)(f)) is not relevant (collegiate election).
3. This election is mandated under the rules of the NTEU (Rule 80.1). The term of office for each position in the attached table is the remainder of the two year term to which the previous incumbent was elected in 2012.
4. I certify that to the best of my knowledge and belief, the information is correct and based upon advice given by the relevant Branches and Divisions.

I have sent the Australian Electoral Commission a copy of this request.

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



GRAHAME MCCULLOCH  
**General Secretary**  
 26 August 2013

## ATTACHMENT A

<b>Organisational Unit</b>	<b>Position</b>	<b>No. Required</b>	<b>Elected by</b>	<b>Reason for Election</b>	<b>Voting System.</b>
<i><b>NATIONAL</b></i>					
National	Ordinary Executive Member	1	National Council	That there is a casual vacancy in the office	A collegiate voting system is to be used