

2 October 2019

Post-election report

National Tertiary Education Industry Union
Casual Vacancy election
E2019/157

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Election(s) Covered in this Report

Organisation: National Tertiary Education Industry Union
Election: Casual Vacancy
Election Decision No/s: E2019/157

Rules

Rules used for the election: [283V: Incorporates alterations of 18/01/2019 (R2018/279)] (replaces 23/03/2018 (R2017/269))
Rules difficult to apply/interpret: None
Model Rule reference (if any): NA
For more details see the Model Rules on the AEC website:
(https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

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

Other irregularities identified, and action taken: NA

Other Matters

Returning Officer actions required (Section 193): No
Details:

Signed



Benjamin Murray
Returning Officer
Australian Electoral Commission
E: vicelections@aec.gov.au
P: 03 9285 7129
2 October 2019

Attachments

A. Declaration of results for Uncontested Offices



19 September 2019

Matthew McGowan
General Secretary (National Council & National Executive)
National Tertiary Education Industry Union
Sent via email: national@nteu.org.au

Dear Matthew McGowan,

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 in matter E2019/157. 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, as soon as practicable after receiving the post-election report, 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 National Tertiary Education Industry Union 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.

Yours faithfully,

Christine Hibberd
Registered Organisations Commission

National Tertiary Education Industry Union

DECLARATION OF RESULTS - E2019/157 Uncontested Offices

Casual Vacancy 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:

National Council

Ordinary Executive Member (1)

Candidate

ADAMS Steve

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



Benjamin Murray
Returning Officer
Telephone: 03 9285 7129
Email: vicelections@aec.gov.au
18/09/2019





DECISION

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

National Tertiary Education Industry Union (E2019/157)

MR ENRIGHT

MELBOURNE, 15 AUGUST 2019

Arrangement for conduct of election.

[1] On 6 August 2019 the National Tertiary Education Industry Union (NTEU) lodged with the Registered Organisations Commission prescribed information for an election to fill a casual vacancy in the following office for the remainder of the term:

Ordinary Executive Member (1)

[2] Following a request from Commission staff, on 12 August 2019 the NTEU provided additional information confirming its understanding that the rules require the election to be conducted via a postal ballot, rather than via an attendance ballot as envisaged in the prescribed information lodged on 6 August 2019.

[3] 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 COMMISSIONER

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6 August 2019

The General Manager
Registered Organisations Commission
GPO Box 2983, Melbourne VIC 3001
regorgs@roc.gov.au

Dear General Manager,

Request for Supplementary Elections

The NTEU currently has a Casual Vacancy for an Ordinary Executive Member position. Please find herewith a request for supplementary elections to be held under the Rules of the National Tertiary Education Industry Union in 2019.

This is an urgent request for this election as our National Council Meeting is being held on 3-5 October and this is the ideal place to hold this election as these are the members who vote for this position.

Please find a list of all the positions being called for – Attachment A.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Tracey Coster', is written over a faint, illegible printed name.

Tracey Coster

Executive Officer – Meetings & Events

Encl.

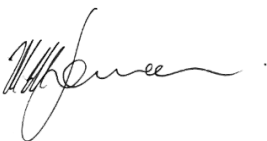
NATIONAL TERTIARY EDUCATION INDUSTRY UNION
REQUEST FOR ELECTIONS TO BE HELD

I, **Matthew McGowan**, 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 this organisation's elections in 2017, and state as follows:

1. Elections are requested for those positions specified in the attached table, Attachment A.
2.
 - (a) **The name of each 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, according to the Key to Election Request which is at the Annexure to 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, headed "Elected By", read in conjunction with the Annexure to 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 read in conjunction with the Annexure to Attachment A.
 - (f) **The period during which nominations may be called** in the election takes place at our National Council meeting then nominations must be called for No less than fourteen days before the first day of the meeting of National Council at which an election is to be conducted, the Returning Officer shall, by notice in writing to each member of the National Council.
 - (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 the seventh day before the date determined for the opening of nominations.
3. These elections are mandated, or may be held, under the rules of the NTEU. 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 2016.
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 Tracey Coster from this office if you have any questions regarding this request.



Matthew McGowan
General Secretary
6 August 2019

Attachment A

NATIONAL OFFICES					
Branch	Position	No. Required	Elected by	Reason for Election	Voting System
	Ordinary Executive Member	1	NC	2	C

ANNEXURE

KEY TO ELECTION REQUEST

Column: "Elected By"

- AM Elected by and from all members of the Branch/Sub-Branch/Division/National Membership.
- AS Elected by and from members of the Academic Staff Section of the Branch/Sub-Branch/Division/National Membership.
- GS Elected by and from members of the General Staff Section of the Branch/Sub-Branch/Division/National Membership.
- DC Elected by and from the Division Council in the relevant Division.
- NC** Elected by and from the National Council.
- BC Elected by and from the Branch Committee
- IM Elected by and from the Indigenous Members of the Branch/Sub-Branch/Division/National Electoral Roll
- IC Elected by and from the Indigenous Tertiary Education Policy Committee

Column: "Reason for Election"

1. That the term of office has expired.
2. That there is a casual vacancy in the office.
3. That a new office has been created.

Column: "Voting System"

- D** A direct voting system is to be used.
- C** A collegiate voting system is to be used.