

13 October 2021

Post-election report

National Tertiary Education Industry Union
Casual Vacancy election
E2021/128

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Election(s) Covered in this Report

Organisation: National Tertiary Education Industry Union

Election: Casual Vacancy

Election Decision No/s: E2021/128

Rules

Rules used for the election: 283V: Incorporates alterations of 8 December 2020 [R2020/192]

Replaces rulebook dated 27 July 2020 [R202020/67]

Rules difficult to apply/interpret: N/A

Model Rule reference (if any): [N/A](#)

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

- Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.
- Rules specifying the method of lodgement of nominations were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for potential candidates to nominate. Instead nominations were received electronically, via email/the AEC's portal.

Signed



Benjamin Murray/Returning Officer

Australian Electoral Commission

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Attachments

A. Declaration of Results for Uncontested Offices – NSW

National Tertiary Education Industry Union
New South Wales Division
DECLARATION OF RESULTS - E2021/128
Uncontested Office

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:

New South Wales Division

Assistant Division Secretary (1)

Candidates

CAUGHLEY Vince

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
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13/10/2021



[2021] ROCD 106



Australian Government
Registered Organisations Commission

DECISION

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

National Tertiary Education Industry Union (E2021/128)

MR STEENSON

SYDNEY, 30 JUNE 2021

Arrangement for conduct of election.

[1] On 10 June 2021 the National Tertiary Education Industry Union 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:

NSW Division

Assistant Division Secretary (1)

[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 COMMISSIONER

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PR351983



2 June 2021

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 the position of Division Assistant Secretary. Please find herewith a request for a supplementary election to be held under the Rules of the National Tertiary Education Industry Union in 2019.

This election arises because of the election of Damien Cahill, who was previously the NSW Division Assistant Secretary to the position of Division Secretary of that Division on 4 May 2021. By operation of Rule 31.4, the position of Division Assistant Secretary became vacant when Damien Cahill was declared elected as Division Secretary. An election by members of the NSW Division is mandated by Rule 80.4 of the Union's Rules and is required to be held within three months of the vacancy occurring.

Yours sincerely,

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** is not specifically stated in the Union's rules but must be during the three-month period after which the vacancy occurred.
 - (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. This election is mandated under the rules of the NTEU to happen within three months after the date on which the vacancy occurred (4 May 2021). The term of office for the office in the attached table is the remainder of the four-year term to which the previous incumbent was elected in October 2018.
4. I certify that to the best of my knowledge and belief, the information is true and correct.

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
2 June 2021

Attachment A

<u>DIVISION OFFICES</u>					
Branch	Position	Number Required	Elected by	Reason for Election	Voting System
<u>NSW Division</u>					
	Division Assistant Secretary	1	AM	2	D

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 Aboriginal & Torres Strait Islander Branch Committee Member
- CM** Elected by and from members employed on a casual basis

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.
4. That the position has changed from an honorary part time position to a full time salaried position.