



4 February 2019

Mr Grahame McCulloch
National Tertiary Education Industry Union
rveal@nteu.org.au

Dear Mr McCulloch,

cc: Western Australian Division, wa@nteu.org.au

I acknowledge the receipt of your notification of change dated 20th December 2018 in regard to the declaration of results referred to in this letter, please note that the following information is intended only as a reminder of all of the actions to be taken in regard to that declaration.

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 Division [E2018/208]. 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.

Regards

Christine Hibberd
Registered Organisations Commission

4 February 2019

Post-election report

**National Tertiary Education Industry
Union**

Western Australian Division

Casual Vacancy Election

E2018/208

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Election(s) Covered in this Report

Organisation: WA Division
Election: Casual Vacancy
Election Decision No/s: E2018/208

Rules

Rules used for the election:	283V: Incorporates alterations of 22 March 2018 [R2017/295] (replaces 2 December 2015 [R2015/150 & R2015/237] version
Rules difficult to apply/interpret:	None
Model Rule reference (if any):	N/A

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: None

Other irregularities identified, and action taken: N/A

Other Matters

Returning Officer actions required (Section 193): No
Details: N/A

Signed

Amber Cooper
Returning Officer
Australian Electoral Commission
E: waelections@aec.gov.au
P: 08 6363 8011
4 February 2019

Attachments

A. Declaration of Results for Uncontested Offices – WA

National Tertiary Education Industry Union
WA Division
DECLARATION OF RESULTS - E2018/208
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:

Western Australian Division

Division Secretary (1)

Candidates

HALLETT Jonathan

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

A Cooper

Amber Cooper
Returning Officer
Telephone: 08 6363 8011
Email: waelections@aec.gov.au
19/12/2018





DECISION

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

National Tertiary Education Industry Union
(E2018/208)

MR ENRIGHT

MELBOURNE, 29 OCTOBER 2018

Arrangement for conduct of election.

[1] On 18 September 2018 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:

Western Australian Division

Division Secretary

[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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Attachment A

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 ("the Act"), that the Registered Organisations Commission arrange for the conduct of a further election for this organisation in 2018, and state as follows:

1. An election is required for the office of WA Division Secretary consequent upon a casual vacancy in that office. It is mandatory that the Division Secretary position be filled by election within 3 months under Rule 80. **Attached** is a copy of Gabe Gooding's resignation as the WA Division Secretary. Ms Gooding states that her resignation is irrevocable, and in accordance with previous Decisions under the Act, (for example, [2015] FWCG 78, in E2014/284), arrangements for an election may be made in anticipation of a resignations stated to be irrevocable. Moreover, Ms Gooding has been declared elected to the position of National Assistant Secretary from 16 October 2018, a position which she may not hold concurrently with her current position of Division Secretary in Western Australia.
2. The prescribed information is as follows:
 - (a) **The name of the office** (Regulation 138(1)(a)) is Western Australia Division Secretary.
 - (b) **The reason for the election** (138(1)(b)) is there is a casual vacancy in the office.
 - (c) **The electorate from which the office is to be elected** (138(1)(d)) is all financial members of the WA Division of the Union.
 - (d) **The voting system to be employed** (138(1)(g)) in the conduct of the election is a direct election by and from those members in accordance with the rules of the Union.
 - (e) **The period during which nominations may be called** (138(1)(e)) is not specified in this case, subject to the requirements for the completion of the election as set out in Rule 80. .
3. **The term of office** for each office in the attached table is four years, as this position is to be filled on a full-time basis, noting that this is an election for the balance of that term of office, until 2020.

4. **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 (72.1).

I have forwarded to the Australian Electoral Commission - industrial.elections@acc.gov.au - a copy of this request. It is our hope to advertise nominations so tht it will be possible to complete this election in 2018.

It would therefore be appreciated, if possible, if this request could be approved as soon as possible.

Please contact Tracey Coster on [REDACTED] or Ken McAlpine on [REDACTED] in the first instance should you have any questions regarding this request.



GRAHAME McCULLOCH
General Secretary
18 September 2018