



## New South Wales Teachers Federation

a branch of the Australian Education Union  
AEU NSW Teachers Federation Branch ABN 86 600 150 697



6 June 2019

416/2019/NC:bdcb

Fair Work Australia  
PO Box 1994  
MELBOURNE VIC 3001

Email: [ros@fwc.gov.au](mailto:ros@fwc.gov.au)

### **DECLARATION OF AUTHORISED OFFICER in accordance with Regulation 126 *Fair Work (Registered Organisations) Regulations 2009***

### **ALTERATION OF OTHER RULES OF ORGANISATIONS in accordance with section 159 of the *Fair Work (Registered Organisations) Act 2009***

I, NICOLE CALNAN of 23-33 Mary Street Surry Hills 2010 am the Deputy Branch Secretary of the AEU NSW Teachers Federation Branch and am authorised to give this notice of particulars of alterations to the rules of AEU NSW Teachers Federation Branch and to make this declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.

1. I declare that the alterations were made in accordance with the rules of the AEU NSW Teachers Federation Branch
2. The particulars of the rule alterations are attached to this declaration and labelled 'Schedule A'.
3. The actions taken under the rules to make this alteration were as follows:
  - (a) On Tuesday 30 April, the Branch Executive resolved that notice of the proposed rule change be given at the Branch Council meeting on 4 May 2019 for endorsement at 1 June Council.
  - (b) The Deputy Branch Secretary advised Branch Councillors of the proposed rule change at the Branch Council meeting on 4 May 2019
  - (c) The Deputy Branch Secretary sent notice to eligible members on 8 May 2019 and included a copy of the proposed rule change. This was in accordance with Rule 64 (3) (a) which requires notice of not less than 14 days prior to the meeting.
  - (d) The Branch Council meeting was held on the 1 June 2019.
  - (e) A quorum was declared present at the Branch Council by the chair.
  - (f) As per the requirement of Rule 64 (3) (b) the rule change was adopted by a vote in excess of 3/5ths of the Branch Council members present.
4. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

Yours sincerely

**Nicole Calnan**  
**Deputy Branch Secretary**

## **SCHEDULE A**

### **Existing Rule 36**

#### **36 - ELECTION OF ASSOCIATION REPRESENTATIVES ON BRANCH COUNCIL**

- (1) There shall, in 2016, and every 2 years thereafter, be elections for:
  - (a) Representatives elected by and from members of associations or groups of associations;
  - (b) Alternative representatives of associations elected by and from members of associations or groups of associations; and
  - (c) Representatives elected by and from members on the ATSI Members' Roll.
- (2) Representatives elected in accordance with this rule shall hold office for 2 years commencing at the first Branch Council meeting in the year following their election.
- (3) The Branch Returning Officer shall:
  - (a) determine a date for the opening of nominations which shall be a date not less than 7 days prior to the date upon which nominations close and at least 30 days before the date fixed for the election; and
  - (b) call for nominations for the positions referred to in sub-rule (1) by sending a notice to each association and by publishing a notice in a publication of the Branch distributed to all Branch members specifying the date of the opening of the nominations and the date of the closing of the nominations.
- (4) A nomination for the positions referred to in sub-rule (1) shall be in writing, be signed by at least two financial members of the relevant association, group of associations or on the ATSI Members' Roll, as the case may be, and bear the written consent of the nominee who shall also be a financial member of the relevant association, group of associations or on the ATSI Members' Roll, as the case may be.
- (5) Notwithstanding that the Branch Council has authorised the formation of a new association, the renaming of an association, the amalgamation or dissolution of associations or adjusted the boundaries of associations, no changes will be made to representation on the Branch Council until the next biennial election.
- (6) In the event that a member on the ATSI Members' Roll is contesting a position as an association representative on Branch Council, the election for the association representative position on Branch Council shall take precedence, that is, if the nominee for the ATSI Members' Roll position is successful in the election for an association representative, his or her first preference votes for the ATSI Members' Roll position shall be discarded and second and subsequent preferences allocated to remaining candidates.
- (7)
  - (a) The Returning Officer shall, in consultation with the relevant association, group of associations or members on the ATSI Members' Roll determine the number of alternative association representatives to be elected by the association, group of associations or members of the ATSI Member's Roll, as the case may be.

- (b) The alternative association representatives or alternative representatives of members on the ATSI Members' Roll will be the next person or persons elected after the association representatives or the representatives elected by and from the members on the ATSI Members' Roll, as the case may be, have been declared elected.
- (8)
  - (a) Subject to paragraph (b), a casual vacancy in a position referred to in sub-rule (1) shall be filled by a secret postal ballot of financial members of the relevant association, group of associations or members on the ATSI Members' Roll, as the case may be.
  - (b) If the unexpired term of the position does not exceed three quarters of the term, the association, or group of associations which the vacancy has occurred may, at a meeting of members, appoint a financial member from the association or group of associations to fill the casual vacancy.
  - (c) Where an election is required to fill a casual vacancy, the election shall be conducted in accordance with this rule subject to any modifications necessary to meet the circumstances.
  - (d) A person elected or appointed, to fill a casual vacancy shall take office from the declaration of his or her election or on his or her appointment and hold office until the expiration of the term of the person replaced or until a successor takes office.

## Proposed Rule

### 36 - ELECTION OF ASSOCIATION REPRESENTATIVES ON BRANCH COUNCIL

- (1) There shall, in 2016, and every 2 years thereafter, be elections for:
  - (a) Representatives elected by and from members of associations or groups of associations;
  - (b) Alternative representatives of associations elected by and from members of associations or groups of associations; and
  - (c) Representatives elected by and from members on the ATSI Members' Roll.
- (2) Representatives elected in accordance with this rule shall hold office for 2 years commencing at the first Branch Council meeting in the year following their election.
- (3) The Branch Returning Officer shall:
  - (a) determine a date for the opening of nominations which shall be a date not less than 7 days prior to the date upon which nominations close and at least 30 days before the date fixed for the election; and
  - (b) call for nominations for the positions referred to in sub-rule (1) by sending a notice to each association and by publishing a notice in a publication of the Branch distributed to all Branch members specifying the date of the opening of the nominations and the date of the closing of the nominations.
  - (c) where insufficient nominations have been received in respect to the elections being conducted, any eligible person(s) who have nominated shall be declared elected and the Returning Officer shall by notice to members recall for nominations for any remaining unfilled positions within 14 days of the declaration of the ballot. A further election shall be held for that position and as far as practicable be conducted pursuant to the Branch rules.
- (4) A nomination for the positions referred to in sub-rule (1) shall be in writing, be signed by at least two financial members of the relevant association, group of associations or on the ATSI Members' Roll, as the case may be, and bear the written consent of the nominee who shall also be a financial member of the relevant association, group of associations or on the ATSI Members' Roll, as the case may be.
- (5) Notwithstanding that the Branch Council has authorised the formation of a new association, the renaming of an association, the amalgamation or dissolution of associations or adjusted the boundaries of associations, no changes will be made to representation on the Branch Council until the next biennial election.
- (6) In the event that a member on the ATSI Members' Roll is contesting a position as an association representative on Branch Council, the election for the association representative position on Branch Council shall take precedence, that is, if the nominee for the ATSI Members' Roll position is successful in the election for an association representative, his or her first preference votes for the ATSI Members' Roll position shall be discarded and second and subsequent preferences allocated to remaining candidates.

- (7) (a) The Returning Officer shall, in consultation with the relevant association, group of associations or members on the ATSI Members' Roll determine the number of alternative association representatives to be elected by the association, group of associations or members of the ATSI Member's Roll, as the case may be.
- (b) The alternative association representatives or alternative representatives of members on the ATSI Members' Roll will be the next person or persons elected after the association representatives or the representatives elected by and from the members on the ATSI Members' Roll, as the case may be, have been declared elected.
- (8) (a) Subject to paragraph (b), a casual vacancy in a position referred to in sub-rule (1) shall be filled by a secret postal ballot of financial members of the relevant association, group of associations or members on the ATSI Members' Roll, as the case may be.
- (b) If the unexpired term of the position does not exceed three quarters of the term, the association, or group of associations which the vacancy has occurred may, at a meeting of members, appoint a financial member from the association or group of associations to fill the casual vacancy.
- (c) Where an election is required to fill a casual vacancy, the election shall be conducted in accordance with this rule subject to any modifications necessary to meet the circumstances.
- (d) A person elected or appointed, to fill a casual vacancy shall take office from the declaration of his or her election or on his or her appointment and hold office until the expiration of the term of the person replaced or until a successor takes office.

## **New Rule Consolidated**

### **36 - ELECTION OF ASSOCIATION REPRESENTATIVES ON BRANCH COUNCIL**

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- (2) Representatives elected in accordance with this rule shall hold office for 2 years commencing at the first Branch Council meeting in the year following their election.
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  - (a) determine a date for the opening of nominations which shall be a date not less than 7 days prior to the date upon which nominations close and at least 30 days before the date fixed for the election; and
  - (b) call for nominations for the positions referred to in sub-rule (1) by sending a notice to each association and by publishing a notice in a publication of the Branch distributed to all Branch members specifying the date of the opening of the nominations and the date of the closing of the nominations.
  - (c) where insufficient nominations have been received in respect to the elections being conducted, any eligible person(s) who have nominated shall be declared elected and the Returning Officer shall by notice to members recall for nominations for any remaining unfilled positions within 14 days of the declaration of the ballot. A further election shall be held for that position and as far as practicable be conducted pursuant to the Branch rules.
- (4) A nomination for the positions referred to in sub-rule (1) shall be in writing, be signed by at least two financial members of the relevant association, group of associations or on the ATSI Members' Roll, as the case may be, and bear the written consent of the nominee who shall also be a financial member of the relevant association, group of associations or on the ATSI Members' Roll, as the case may be.
- (5) Notwithstanding that the Branch Council has authorised the formation of a new association, the renaming of an association, the amalgamation or dissolution of associations or adjusted the boundaries of associations, no changes will be made to representation on the Branch Council until the next biennial election.
- (6) In the event that a member on the ATSI Members' Roll is contesting a position as an association representative on Branch Council, the election for the association representative position on Branch Council shall take precedence, that is, if the nominee for the ATSI Members' Roll position is successful in the election for an association representative, his or her first preference votes for the ATSI Members' Roll position shall be discarded and second and subsequent preferences allocated to remaining candidates.

- (7) (a) The Returning Officer shall, in consultation with the relevant association, group of associations or members on the ATSI Members' Roll determine the number of alternative association representatives to be elected by the association, group of associations or members of the ATSI Member's Roll, as the case may be.
  - (b) The alternative association representatives or alternative representatives of members on the ATSI Members' Roll will be the next person or persons elected after the association representatives or the representatives elected by and from the members on the ATSI Members' Roll, as the case may be, have been declared elected.
- (8) (a) Subject to paragraph (b), a casual vacancy in a position referred to in sub-rule (1) shall be filled by a secret postal ballot of financial members of the relevant association, group of associations or members on the ATSI Members' Roll, as the case may be.
- (b) If the unexpired term of the position does not exceed three quarters of the term, the association, or group of associations which the vacancy has occurred may, at a meeting of members, appoint a financial member from the association or group of associations to fill the casual vacancy.
- (c) Where an election is required to fill a casual vacancy, the election shall be conducted in accordance with this rule subject to any modifications necessary to meet the circumstances.
- (d) A person elected or appointed, to fill a casual vacancy shall take office from the declaration of his or her election or on his or her appointment and hold office until the expiration of the term of the person replaced or until a successor takes office.