

26 October 2021

Post-election report

**Australian Road Transport Industrial
Organization (ARTIO)**

Scheduled election (Stage 1 & 2)

E2021/15

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Election Covered in this Report

Organisation: Australian Road Transport Industrial Organization – Western Australian Branch

Election: Scheduled

Election Decision No/s: E2021/15

Rules

Rules used for the election: 278V: Incorporates alterations of 18 August 2020 [R2020/116]

(replaces rulebook dated 5 June 2020 [D2020/1 and R2020/13])

Rules difficult to apply/interpret: NIL

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:

- As there is no rule pertaining to the method in which nominations must be lodged, the Returning Officer will apply subparagraph 193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009 to only accept nominations via email or portal and not by hand or post, due to the ongoing COVID-19 risk.
- 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.

Signed



Sally Angus
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 03 9285 7111
26 October 2021

Attachments

- A. Declaration of Results for Uncontested Offices – Stage 1
- B. Declaration of Results for Uncontested Offices – Stage 2

Australian Road Transport Industrial Organization (ARTIO)

DECLARATION OF RESULTS - E2021/15 - Stage 2

Uncontested Offices

Scheduled 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 Branch Committee

Branch President (1)

Candidates

SMITH-GANDER Craig

Branch Vice President (2)

Candidates

DAVID Neil

RENTON Peter James

Branch Secretary/Treasurer (1)

Candidates

MACK Harvey

Branch Committee Officers (2)

Candidates

BILATO Louise

JOLLY Wade

Branch Representative to ARTIO Council (1)

Candidates

MACK Harvey

Branch Alternate Representative to ARTIO Council (1)

Candidates

BILATO Louise

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



Sally Angus
Returning Officer
Telephone: 03 9285 7111
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06/10/2021



**Australian Road Transport Industrial Organisation
(ARTIO)**
**DECLARATION OF RESULTS - E2021/15 – Recall election
Uncontested Offices**

Scheduled 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 Branch

Branch Committee Member (6)

Candidates

BILATO Louise

DAVID Neil

JOLLY Wade

MACK Harvey Kenneth

RENTON Peter James

SMITH-GANDER Craig

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



Jeff Webb for
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Australian Road Transport Industrial Organization (ARTIO)

DECLARATION OF RESULTS - E2021/15 - Stage 1 Uncontested Offices

Scheduled 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 Branch

Branch Committee Member (6)

Candidates

No Nominations Received

The number of nominations accepted did not exceed the number of positions to be filled.

Sally Angus
Returning Officer
Telephone: 03 9285 7111
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13/07/2021





AMENDING DECISION

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

Australian Road Transport Industrial Organization (E2021/15)

MR STEENSON

SYDNEY, 15 APRIL 2021

Arrangement for conduct of election.

[1] On 18 January 2021, the Australian Road Transport Industrial Organization (**the organisation**) lodged prescribed information with the Registered Organisations Commission seeking an election for certain offices as the organisation had reconstituted its Western Australian Branch (**the Branch**).

[2] On 24 February 2021, as Delegate of the Registered Organisations Commissioner, I issued a decision in this matter, [2021] ROCD 22. However, it has since been brought to my attention that one of the offices for which an election was sought by the organisation was inadvertently omitted from my decision, namely the office of Branch Secretary/Treasurer.

[3] As I am satisfied that an election is also required for that office, as well as the offices listed in my original 24 February 2021 decision, [2021] ROCD 22 is amended as follows:

By adding the office of ‘Branch Secretary/Treasurer (1)’ to the list of offices at paragraph [1]



DELEGATE OF THE COMMISSIONER

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DECISION

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

Australian Road Transport Industrial Organization (E2021/15)

MR STEENSON

SYDNEY, 24 FEBRUARY 2021

Arrangement for conduct of election.

[1] On 18 January 2021 the Australian Road Transport Industrial Organization¹ (the ARTIO) lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Western Australian Branch

Branch Committee Members	(6)
Branch President	(1)
Branch Vice President	(2)
Branch Committee Officers	(2)
Branch Representative to ARTIO Council	(1)
Branch Alternate Representative to ARTIO Council	(1)

[2] These are new offices, created as a consequence of a resolution by the ARTIO National Council on 23 September 2020 agreeing to establish a new Western Australian Branch of the organisation. The prescribed information lodged by ARTIO indicated that the Branch was created on 17 November 2020. Rule 7 of the ARTIO rules empowers the ARTIO Council to constitute Branches from time to time. (I note that a Western Australian Branch had previously existed but was disbanded by resolution of the ARTIO Council on 16 July 2018).

[3] Branch Rule 10 of the ARTIO rules vests the management of a Branch in a Branch Committee, subject to the general control of members of that Branch. Branch Rule 11 provides that each Branch shall determine the number of members of the Branch Committee subject to certain parameters set out in that rule, such as minimum and maximum numbers of Branch

¹ I note that this spelling of the registered organisation's name (i.e. with the letter 'z') is as it appears in the decision of Industrial Registrar McMahon in matter Reg 012/84, issued on 22 March 1984, [1984] AIRC 15 (Print F7227) granting it registration. (I also note that the Registrar's decision refers to the Australian Industrial Relations Commission's 'register of organizations').

Committee members. The office bearers drawn from among the Branch Committee are set out in Branch Rule 14.

[4] Rule 7(5) of the ARTIO rules provides that where the organisation creates a new Branch, the term of the officers elected at the Branch's first election will expire at the same time as the terms of office of other (pre-existing) ARTIO branches. The prescribed information lodged by the ARTIO indicates that the expiration will be in or around December 2022.

[5] 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 COMMISSIONER

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Prescribed Information for elections by the Australian Road Transport Industrial Organization (ARTIO)

I, Peter Anderson, National Secretary/Treasurer of ARTIO state that the information is lodged under section 189 of the Fair Work (Registered Organisations) Act 2009 and that I am the person authorised to make the statement.

ARTIO hereby lodges prescribed information in respect of elections to be conducted by the Australian Electoral Commission.

Offices and voting system

Western Australian Branch

- Branch Committee Members (6) – direct voting system election
 - Branch President - by and from Branch Committee
 - Branch Secretary/Treasurer - by and from Branch Committee
 - Branch Vice Presidents (2) - by and from Branch Committee
 - Branch Committee Officers (2) - by and from Branch Committee
- Branch Representative to Council - by and from Branch Committee
- Branch Alternate Representative to Council - by and from Branch Committee

Reason for election – regular branch election

Pursuant to rule 7(5), a regular branch election for the aforementioned offices is required following the creation of the new Western Australian Branch on 17 November 2020. The term of office of persons elected pursuant to the subject election shall expire to coincide with the expiration of the terms of office of the pre-existing branches of the Organization – which will be in or around December 2022.

Electorate

The voting electorates of the branch committee members (6) is by direct voting system of all financial members of the Western Australian Branch.

The voting electorate for the Branch (and Alternate) Representatives to Council is the college comprising the respective Branch Committee. Note that Branch (and Alternate) Representative to Council may also hold office of a branch.

The voting electorate for all other branch offices is the college comprising the respective Branch Committee.

Nominations open and close

Branch Committee Members (6) - DVS

To be determined by the AEC Returning Officer having regard to the period available for lodging nominations under Branch rule 12(5).

Branch Office Bearers and Representatives to Council – CES

To be determined by the AEC Returning Officer having regard to the period available for lodging nominations under Branch rule 14(2) – which is also incorporated by reference at federal rule 25(4).

Roll of voters to be closed

Rule 24A(7) has general application. It provides:

"The roll of voters for any ballot required under these rules shall close 7 days before the day on which nominations for the election open."

Voting system

The voting system as between a direct voting system and a collegiate electoral system (referenced by the words "by and from") is identified above in respect of each of the abovenamed offices.

Pending Rule Alterations

The organisation has no outstanding rule alterations pending with the Fair Work Commission at the present time.

It should also be noted that this prescribed information is the first lodgement since extensive rule alterations were certified on 5 June 2020 (ref: [2020] FWCD 1869).



Peter Anderson
Secretary/Treasurer
18 January 2021