

6 February 2023

# Post-election report

Australian Road Transport Industrial  
Organization  
Scheduled election  
E2022/138

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# Election(s) Covered in this Report

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Organisation: Australian Road Transport Industrial Organization  
Election: Scheduled  
Election Decision No/s: E2022/138

## Rules

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

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: [www.aec.gov.au/ieb/](http://www.aec.gov.au/ieb/)

## Other Matters

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Returning Officer actions required (Section 193): Yes

Details:

- As there is no rule pertaining to the withdrawal of nominations, the Returning Officer applied subparagraph 193(1)(b)(ii) of the Fair Work (Registered Organisations) Act 2009 to fix a closing time for the withdrawal of nominations and the withdrawal period closed at the time of closing of nominations.
- As there is no rule pertaining to when the lodgement of Candidate Statements closes, the Returning Officer applied subparagraph 193(1)(b)(ii) of the Fair Work (Registered Organisations) Act 2009 to fix a closing time for the lodgement of statements which was at the time of closing of nominations.

## Signed

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Lachlan Symonds  
Returning Officer  
Australian Electoral Commission  
E: iebevents@aec.gov.au  
P: 02 9375 6366  
6 February 2023

## Attachments

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- A. Declaration of results for Uncontested Offices – Stage 1 (Branch Committee)
- B. Declaration of Results for Uncontested Offices – Stage 1 Insufficient Nominations (Branch Committee – Queensland Branch)
- C. Declaration of Results for Uncontested Offices – Stage 2 (Branch Officers)
- D. Declaration of Results for Uncontested Offices – Stage 3 (National Officers)

# Australian Road Transport Industrial Organization

## DECLARATION OF RESULTS - E2022/138 - Stage 2

### Uncontested Offices

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#### 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:

#### Victorian Branch

##### President (1)

###### Candidates

DUNN Cameron

##### Vice President (2)

###### Candidates

HOPLEY Brendan

LEAN Mike

##### Secretary/Treasurer (1)

###### Candidates

ANDERSON Peter

##### Committee Members (Officer) (2)

###### Candidates

EASTICK Andrew

JONES Darren

##### Representative to Council (1)

###### Candidates

ANDERSON Peter

##### Alternate Representative to Council (1)

###### Candidates

EASTICK Andrew

#### New South Wales Branch

##### Branch President (1)

###### Candidates

WEST John

##### Vice President (2)

###### Candidates

CAPP Nicholas

MURPHY Cameron

##### Secretary/Treasurer (1)

###### Candidates

D'APICE Laurie

##### Committee Members (Officer) (2)

###### Candidates

BRADAC John

BYRNE Declan

## **Representative to Council (1)**

### Candidates

D'APICE Laurie

## **Alternate Representative to Council (1)**

### Candidates

MURPHY Cameron

## **Queensland Branch**

### **President (1)**

#### Candidates

RUSSELL Julie

### **Vice President (2)**

#### Candidates

KAHLERT Paul

MAHON Michael

### **Secretary/Treasurer (1)**

#### Candidates

MAHON Gary

### **Committee Members (Officer) (2)**

#### Candidates

ALEXANDER Kevin

SIMON David

### **Representative to Council (1)**

#### Candidates

MAHON Gary

### **Alternate Representative to Council (1)**

#### Candidates

RUSSELL Julie

## **Western Australian Branch**

### **President (1)**

#### Candidates

DAVID Neil

### **Vice President (2)**

#### Candidates

PETERS Andrew

RENTON Peter

### **Secretary/Treasurer (1)**

#### Candidates

DUMESNY Cam

### **Committee Members (Officer) (2)**

#### Candidates

JOLLY Wade

MACK Harvey

### **Representative to Council (1)**

#### Candidates

DUMESNY Cam

## **Alternate Representative to Council (1)**

### Candidates

DAVID Neil

## **Tasmanian Branch**

### **President (1)**

#### Candidates

DE BRUYN John

### **Vice President (2)**

#### Candidates

HIGGINS Darren

RYAN Steve

### **Secretary/Treasurer (1)**

#### Candidates

HARWOOD Michelle

### **Committee Members (Officer) (2)**

#### Candidates

AUTON Jamie

MILLER Robert

### **Representative to Council (1)**

#### Candidates

HARWOOD Michelle

### **Alternate Representative to Council (1)**

#### Candidates

DE BRUYN John

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

Lachlan Symonds  
Returning Officer  
Telephone: 02 9375 6366  
Email: iebevents@aec.gov.au  
22/12/2022



6 February 2023

Peter Anderson  
National Secretary/Treasurer  
Australian Road Transport Industrial Organization  
Sent via email: [reception@vta.com.au](mailto:reception@vta.com.au)



**IMMEDIATE ACTION REQUIRED:**

**You must take steps after your recent election E2022/138**

Dear Peter Anderson,

An election has recently been completed by the Australian Electoral Commission (**AEC**) for the Australian Road Transport Industrial Organization.

This letter explains the next steps you must take and what information you need to lodge with the Registered Organisations Commission (**ROC**).

### **What you must do right now**

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

This letter explains these steps and the tools available to help you.

### **STEP 1: Notify members**

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (r. 141). The notice must be on your website for at least 3 months.



**Can I put more information on our website?**

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than 3 months. You can always do more than the regulatory minimum.

The ROC will also publish your declaration of results on our [website](https://www.roc.gov.au).

### **STEP 2: Financial training**

You may have to arrange financial training for people elected to new roles.



All officers with financial management duties must complete financial training (s 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

There are face to face and online [financial training packages on the ROC website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the ROC within 6 months](#) of beginning to hold office.



### Good governance tip:

Organisations should instruct officer holders about their other obligations. This is especially important for committee of management members.

Our podcast covers the [benefits of officer induction](#). Officers have responsibilities under the rules, the RO Act, and disclosure requirements around conflicts of interest, remuneration and material personal interests. Officers will benefit from our [officer induction kit](#) and our [podcast, such as episode 17 - conflicts of interest](#).

## STEP 3: Notifications of change

A notification of change must be lodged with the ROC within **35 days** of the change occurring.



We have a [template](#) to help you with this, which you can send to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au). An officer must sign the completed notification template.

You must lodge a notification of change if:

- any of your officers have not been re-elected;
- officers have changed offices; or
- you have new officers.

Only notify us of changes that have **already occurred**. If people take up office in the future, you must wait until the change happens before lodging the notification within 35 days of the change.

**Note:** One election may result in many notifications of change.



### Penalties apply

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

#### ROC v CEPU

The organisation failed to make a series of notifications of change on time.

The Full Court said 'The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.'

The organisation was ordered to pay a penalty. More information is available in our [case summary](#).

## Questions?



### **Why do I need to tell you the results of the election when you've already received them?**

The RO Act requires that **you** tell us this information about your officers – it is a legal obligation. The notification of change also contains information that is not in the declaration of results.

### **What if the officer has already done training?**

Check out our [fact sheet](#) for when officers need to redo training, when they can get an exemption and when further training isn't required.

If you have any queries we can be contacted on 1300 341 665 or by email at [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

Yours sincerely

## Registered Organisations Commission



The ROC has a [Compliance Policy](#) which explains how we respond to issues of non-compliance. The policy is available on our website if you would like further information on the steps the compliance team may take in response to non-lodgement of a financial report.

# Australian Road Transport Industrial Organization

## DECLARATION OF RESULTS - E2022/138 - Stage 3

### Uncontested Offices

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#### **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:

#### **Secretary/Treasurer (1)**

Candidates

ANDERSON Peter Scott

#### **President (1)**

Candidates

D'APICE Laurie

#### **Vice President (2)**

Candidates

HARWOOD Michelle

MAHON Gary

#### **Executive Committee Members (2)**

Candidates

DUMESNY Campbell John

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

Lachlan Symonds  
Returning Officer  
Telephone: 02 9375 6366  
Email: [iebevents@aec.gov.au](mailto:iebevents@aec.gov.au)  
01/02/2023



23 November 2022

Peter Anderson  
National Secretary/Treasurer  
Australian Road Transport Industrial Organization  
Sent via email: [reception@vta.com.au](mailto:reception@vta.com.au)



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### **What you must do right now**

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- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
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The ROC will also publish your declaration of results on our [website](http://www.roc.gov.au).

### **STEP 2: Financial training**

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete financial training (s 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

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### Good governance tip:

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Yours sincerely

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**Australian Road Transport Industrial Organization**  
**Australian Road Transport Industrial Organization**  
**DECLARATION OF RESULTS - E2022/138 - Stage 1**  
**Uncontested Offices**

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**Insufficient Nominations 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:

**Queensland Branch**

**Branch Committee Member (4)**

Candidates

ALEXANDER Kevin

KAHLERT Paul

MAHON Michael

SIMON David

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

Lachlan Symonds  
Returning Officer  
Telephone: 03 9285 7111  
Email: [iebevents@aec.gov.au](mailto:iebevents@aec.gov.au)  
21/11/2022





26 October 2022

Peter Anderson  
National Secretary/Treasurer  
Australian Road Transport Industrial Organization  
Sent via email: [reception@vta.com.au](mailto:reception@vta.com.au)



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Yours sincerely

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# Australian Road Transport Industrial Organization

## DECLARATION OF RESULTS - E2022/138 - Stage 1

### Uncontested Offices

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#### **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:

#### **New South Wales Branch**

##### **Branch Committee Member (6)**

Candidates

BRADAC John  
BYRNE Declan  
CAPP Nicholas  
D'APICE Laurie  
MURPHY Cameron  
WEST John

#### **Victorian Branch**

##### **Branch Committee Member (6)**

Candidates

ANDERSON Peter Scott  
DUNN Cameron  
EASTICK Andrew  
HOPLEY Brendan  
JONES Darren  
LEAN Mike

#### **Queensland Branch**

##### **Branch Committee Member (6)**

Candidates

MAHON Gary  
RUSSELL Julie

#### **Western Australian Branch**

##### **Branch Committee Member (6)**

Candidates

DAVID Neil Anthony  
DUMESNY Campbell John  
JOLLY Wade Malcolm  
MACK Harvey  
PETERS Andrew John  
RENTON Peter

## **Tasmanian Branch**

### **Branch Committee Member (6)**

#### Candidates

AUTON Jamie  
DE BRUYN John  
HARWOOD Michelle  
HIGGINS Darren  
MILLER Robert  
RYAN Steve

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

Cameron Caccamo  
Returning Officer  
Telephone: 02 9375 6366  
Email: IEBevents@aec.gov.au  
19/10/2022





# DECISION

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

## **Australian Road Transport Industrial Organization** (E2022/138)

MR STEENSON

SYDNEY, 2 SEPTEMBER 2022

*Arrangement for conduct of election.*

[1] On 24 August 2022 the Australian Road Transport Industrial Organization lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices for a new term of office:

### National

Secretary/Treasurer	(1)
President	(1)
Vice President	(2)
Executive Committee Members	(2)

### Victorian Branch

Committee Members	(6)
President	(1)
Secretary/Treasurer	(1)
Vice President	(2)
Committee Members (Officer)	(2)
Representative to Council	(1)
Alternate Representative to Council	(1)

### New South Wales Branch

Committee Members	(6)
President	(1)
Secretary/Treasurer	(1)
Vice President	(2)
Committee Members (Officer)	(2)
Representative to Council	(1)
Alternate Representative to Council	(1)

Queensland Branch

Committee Members	(6)
President	(1)
Secretary/Treasurer	(1)
Vice President	(2)
Committee Members (Officer)	(2)
Representative to Council	(1)
Alternate Representative to Council	(1)

Tasmanian Branch

Committee Members	(6)
President	(1)
Secretary/Treasurer	(1)
Vice President	(2)
Committee Members (Officer)	(2)
Representative to Council	(1)
Alternate Representative to Council	(1)

Western Australian Branch

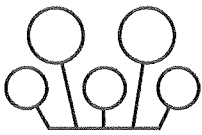
Committee Members	(6)
President	(1)
Secretary/Treasurer	(1)
Vice President	(2)
Committee Members (Officer)	(2)
Representative to Council	(1)
Alternate Representative to Council	(1)

[2] 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

Printed by authority of the Commonwealth Government Printer  
PR352327



**ARTIO**

Australian Road Transport  
Industrial Organisation

ABN: 63 734 697 902

# AUSTRALIAN ROAD TRANSPORT INDUSTRIAL ORGANISATION

*Respect, Respond and Represent*

Registered Organisations Commissioner  
Registered Organisations Commission  
GPO Box 2983,  
Melbourne VIC 3001

cc. Branch Secretaries NSW, Qld, Vic, Tas, WA.

By email: [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

## Notice of Prescribed Information for Election

Attached please find the prescribed information for making arrangements with the Australian Electoral Commission (AEC) for the conduct of elections in the Australian Road Transport Industrial Organization (ARTIO).

The notice concerns the quadrennial scheduled elections for the organisation and its branches.

The contact officer for enquiries by the ROC and also by the AEC in the first instance should be directed to Mr David Viney, Administration Manager 0413 010 292 or 9646 8590.

As the National Office of ARTIO is located in Port Melbourne, the Returning Officer appointed for overall responsibility for the conduct the elections is requested to be based in the AEC's Melbourne Office.\*

Yours sincerely

Peter Anderson  
National Secretary/Treasurer  
24 August 2022

### ARTIO National

PO Box 5, South Melbourne, Victoria 3205

T 03 9646 8590 | F 03 9646 8596 | E [reception@vta.com.au](mailto:reception@vta.com.au)

### State Branches

ARTIO VIC	PO Box 5, South Melbourne, Victoria 3205	T 03 9646 8590	E <a href="mailto:reception@vta.com.au">reception@vta.com.au</a>
ARTIO QLD	1/96 Cleveland St, Stones Corner, Queensland 4120	T 07 3394 4388	E <a href="mailto:admin@qta.com.au">admin@qta.com.au</a>
ARTIO NSW	PO Box 277, Hurstville, New South Wales 2220	T 02 9579 2333	E <a href="mailto:hughmc@artionsw.com.au">hughmc@artionsw.com.au</a>
ARTIO WA	PO Box 500, Bassendean, WA, 6054	T 0481 064 371	E <a href="mailto:adminr@westernroads.com.au">adminr@westernroads.com.au</a>
ARTIO TAS	PO Box 2069, Spreyton, Tasmania 7250	T 0427 366 742	E <a href="mailto:ed@tta.org.au">ed@tta.org.au</a>

**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**

National

- President – collegiate election, by and from National Council
- Vice Presidents (2) – collegiate election, by and from National Council
- Executive Committee Members (2) – collegiate election, by and from National Council
- Secretary/Treasurer – (if a ballot is required) direct voting system election

Victorian 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 Members (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

NSW Branch

- Branch Committee Members (6) – direct election voting system
- 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 Members (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

Queensland 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 Members (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



### Tasmanian 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 Members (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

### 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 Members (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 – scheduled quadrennial elections (branch and national)**

The reason for the election is that the terms of office are due to expire on or around December 2022, such that the persons elected to each office pursuant to this notice will be entitled to hold office for a new term of 4 years.

The last scheduled election for the organisation and its branches (other than the WA Branch) was granted by decision of the Delegate dated 14 September 2018 [E2018/194] by which the ensuing elections conducted by the AEC were completed in stages over the period 29 October 2018 to 7 February 2019.

With respect to the **Western Australian Branch**, it was newly created on 17 November 2020 whereby its first branch election was granted pursuant to the Delegate's decision of 24 Feb 2021 and amending decision of 15 April 2021 (refer E2021/15). Such branch election was ultimately completed in stages on 19 August 2021 and 6 October 2021 with the ensuing (initial) term of office timed to coincide with the expiration of the terms of office of the pre-existing branches of the Organization — conformably with rule 7(5).

### **Intervening rule changes**

Subsequent to the 2018 election round, the organisation has adopted a new set of rules with effect on 5 June 2020 [2020] FWCD 1869. Insofar as such rules would affect future elections, the Decision of the FWC Delegate relevantly states:

*"[5] The nomination periods for elections to various offices, in circumstances where only a small number of people need to be balloted, have been reduced.*

*[18] New Rule 24A consolidate election provisions which apply generally to elections for office in ARTIO under a single rule. As noted above, various other rules have been streamlined as a consequence. The manner of election has also been refined in some respects allowing advice from the Australian Electoral Commission.*

*[28] The alteration to Branch Rule 12 updates the requirements for the election of the Branch Committee. This amendment elongates the period in which an election's steps may be taken, recognising that the election may involve a direct election by postal ballot of a Branch's membership. Further to this, this modification provides clarity on direct voting systems and*

*determines how insufficient nominations and secret ballots are to be conducted. Guidelines for candidate statements are also provided.*

*[29] The alteration to Branch Rule 14 updates the requirements for elections of Branch Officers. This amendment shortens the nomination period, clarifies the ballot periods and makes it clear that the election is by collegiate electoral system."*

## **Electorate**

### *national offices*

The voting electorate of the National Secretary/Treasurer is by direct voting system of all financial members of the organisation.

The voting electorate for the National President, National Vice-Presidents (2) and National Executive Committee Members (2) is the National Council.

### *branch offices*

The voting electorates of the branch committee members (6) is by direct voting system of all financial members of the respective 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 Branch President, 2 Branch Vice Presidents, Branch Secretary/Treasurer and 2 Branch Committee Members is the college comprising the respective Branch Committee.

## **Nominations open and close**

### *Branch Committee Members (6)*

The scheme of the rules requires the election of the six (6) Branch Committee Members to proceed as the first stage and be completed by the date of the respective 2022 branch AGM. The subsequent collegiate branch elections are to proceed after the branch AGM.

The branch AGM dates have been provisionally scheduled for 6 December 2022. In this respect nominations are requested to open on or around at least 42 days prior to the date of the respective branch AGM (per Br Rule 12) and remain open for 14 days.

Ballot dates, if required, are to be determined by the Returning Officer.

### *Branch President, Branch Secretary/Treasurer, Branch Vice-Presidents (2), Branch Committee Members (2) and Branch Representative (and Alternate Representative) to Council*

Date nominations open and close to be determined by the Returning Officer, having regard to Rule 24 and Branch rule 14(2) which provides for nominations to be called from Members of the Branch Committee within 7 days after the Branch AGM, and remain open for not less than 7 nor more than 10 days.

### *National President, National Vice Presidents (2), National Executive Committee Members (2)*

Rule 29(2) provides for nominations to be called from the National Council within 7 days after the national AGM and remain open for not less than 10 nor more than 20 days. The [national] AGM is provisionally scheduled for 7 December 2022. Accordingly, the latest date for opening nominations will be 13 December 2022.

Ballot dates, if required for this collegiate election, are to be determined by the Returning Officer.

### *National Secretary/Treasurer*

As Rule 30(3) is effectively the same as Rule 29(2), the nomination dates for the aforementioned national office bearers applies in the same way to the nomination procedure for National Secretary/Treasurer.

Ballot dates for a secret postal ballot of all financial members of the organisation, if required, are to be determined by the Returning Officer.

**Roll of voters to be closed**

Rule 24A has general application for all elections within the organisation. Rule 24A requires the roll of voters for any ballot to close seven 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 named offices.

**Pending Rule Alterations**

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



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P. Anderson  
Secretary/Treasurer  
24 August 2022