



8 May 2024

Michael Kaine  
National Secretary  
Transport Workers' Union of Australia  
Sent via email: [legal@twu.com.au](mailto:legal@twu.com.au)

Dear Michael Kaine



**IMMEDIATE ACTION REQUIRED:**

**You must take steps after your recent election E2024/11**

An election has recently been completed by the Australian Electoral Commission (AEC) for the Transport Workers' Union of Australia and a post-election report has been issued by the AEC.

This letter explains the next steps you must take, including what information you need to give to members and what information you need to lodge with the Fair Work Commission (the Commission).

**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 the Commission at [regorgs@fwc.gov.au](mailto:regorgs@fwc.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 (regulation 141). The notice must be on your website for at least three months.



Can we 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 three months. You can always do more than the regulatory minimum.

The Commission will also publish your declaration of results on our [website](#).

## 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 approved financial training (section 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 Commission website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR receive an [exemption by the Commission](#) **within six 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 *Fair Work (Registered Organisations) Act 2009* (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 Commission within **35 days** of the change occurring.

We have a [template](#) to help you with this, which you can send to [regorgs@fwc.gov.au](mailto:regorgs@fwc.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.

**Real-life example of penalties in Court** An 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](#).



#### 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@fwc.gov.au](mailto:regorgs@fwc.gov.au).

Yours sincerely

**Fair Work Commission**



The Commission has an interim [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.

7 May 2024

# Post-election report

Transport Workers' Union of Australia  
Scheduled Election  
E2024/11

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# Election Covered in this Report

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Organisation: Transport Workers' Union of Australia  
Election: Scheduled  
Election Decision No: E2024/11

## Rules

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Rules used for the election: 179V: Incorporates alterations of 26 September 2023 [R2022/5]

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/](http://www.aec.gov.au/ieb/)

## Signed

Darren Wade  
Returning Officer  
Australian Electoral Commission  
E: IEEvents@aec.gov.au  
P: 03 9285 7111

7 May 2024

# Attachments

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## A. Declaration of results for Uncontested Offices – National



# Transport Workers' Union of Australia

## DECLARATION OF RESULTS - E2024/11 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:

#### **National Council**

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

###### Candidates

DAWSON Tim

##### **National Vice-President (1)**

###### Candidates

OLSEN Richard

##### **National Trustees (3)**

###### Candidates

FORBES Mick

HARVEY Margaret

MARKOS Dissio

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

Darren Wade  
Returning Officer  
Telephone: 03 9285 7111  
Email: [IEBevents@aec.gov.au](mailto:IEBevents@aec.gov.au)

07/05/2024



## DECISION

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

**Transport Workers' Union of Australia**  
(E2024/11)

MR STEENSON

SYDNEY, 8 FEBRUARY 2024

*Arrangement for conduct of election.*

[1] On 23 January 2024 the Transport Workers' Union of Australia lodged with the Fair Work Commission prescribed information for an election to fill the following offices for a new term of office:

National President	(1)
National Vice-President	(1)
National Trustees	(3)

[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 GENERAL MANAGER

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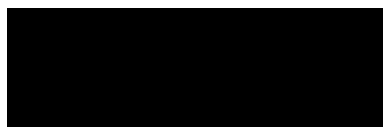
PR755205

**PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009**

I, Nick McIntosh, being the National Assistant Secretary of the Transport Workers' Union of Australia, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Transport Workers' Union of Australia.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. No rule alterations are pending that will impact the election.
5. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:



Dated: 23 January 2024

**NOTE:** This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au).

## Annexure A

- Elections that are required:

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
National Office	National President	1	Collegiate electoral system	Scheduled	By and from National Council, Rule 58 (1)
National Office	National Vice-President	1	Collegiate electoral system	Scheduled	By and from National Council, Rule 58 (1)
National Office	National Trustees	3	Collegiate electoral system	Scheduled	By and from National Council, Rule 58 (1)

- Important dates:

	Direct Voting System	Collegiate Electoral System
<b>Nominations OPEN</b>	n/a	First session of National Council, 10am, Monday 6 May 2024 at Esplanade Hotel Fremantle, 46-54 Marine Terrace, Fremantle, WA, Rule 58 (4)
<b>Nominations CLOSE</b>	n/a	To be determined although generally within a short space of time as deemed appropriate after nominations open at 10am, Monday 6 May 2024, Rules 58 (4)-(9)
<b>Roll of Voters cut off date</b>	n/a	Just prior to the beginning of National Council at 10am, Monday 6 May 2024, Rules 58 (1)-(3)

**NOTES:** For insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as 'To be determined by the returning officer'. This also applies where rules are silent as to the nominated dates.

If the nomination dates are 'To be Determined by the Returning Officer', but your organisation has a *preference*, please state 'To be Determined by Returning Officer' and clearly indicate that your nominated date is a preference.

If the P.I. includes a position that is not an office, please refer to our template [Prescribed information for the election of officer and non-officer positions](#)