



Australian Government

Australian Industrial Registry

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990
Email: sydney@air.gov.au

Mr Trevor Dobbyn
Victorian Branch Secretary
Australian Rail, Tram and Bus Industry Union
Level 2, 365 Queen St
Melbourne VIC 3000

Dear Mr Dobbyn

Re: Arrangements for the conduct of an Election (E2007/273)

A copy of my decision in relation to the above matter is enclosed.

I am making arrangements, under subsection 189(3) of Schedule 1 of the *Workplace Relations Act 1996*, with the Electoral Commissioner for the conduct of the subject election by a member of staff of the Australian Electoral Commission, who will contact you in the near future about the election.

If you have any queries regarding these requirements, please contact David Vale on (02) 8374 6509.

Yours sincerely

A handwritten signature in cursive script that reads 'David Vale' with a small flourish below it.

Barry Jenkins
Deputy Industrial Registrar

14 December 2007

Workplace Relations Act 1996
s.189 RAO Schedule - arrangement for conduct of an election

Australian Rail, Tram and Bus Industry Union
(E2007/273)

B. R. JENKINS
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 14 DECEMBER 2007

DECISION

[1] On 14 November 2007 the Victorian Branch of the Australian Rail, Tram and Bus Industry Union lodged in the Industrial Registry the prescribed information in relation to an election for the following offices:

Victorian Branch

Branch Divisional Organiser - (Infrastructure/Fleet Manufacture Divisions) (1)

Infrastructure Division

Branch Divisional Secretary - (1)

Branch Divisional President - (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 Schedule 1 of the *Workplace Relations Act 1996*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



Electoral Commissioner Through
Australian Electoral Officer (industrial.elections@aec.gov.au)

Under subsection 189 of Schedule 1 of the Workplace Relations Act 1996, please arrange for the conduct of the following election by the Australian Electoral Commission:

E No 2007/273

Re: Australian Rail, Tram and Bus Industry Union

Positions:

See Decision

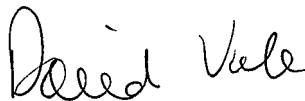
Relevant Information: Casual vacancies

Contact: Trevor Dobbyn
Victorian Branch Secretary

Phone: (03) 9600 3030

A copy of the decision is enclosed.

I further request that you arrange for this office to be notified that arrangements for the conduct of this election have been made, by email transmission at industrial.elections@air.gov.au



David Vale

for Deputy Industrial Registrar

14 December 2007

VALE, David

From: VALE, David
Sent: Friday, 23 November 2007 11:35 AM
To: 'industrial.elections@aec.gov.au'
Subject: E2007/273 - ARTBIU
Attachments: ARTBIU 2ND edition E2007 273 22.11.07 .pdf

Dear AEC,

Please find further correspondence regarding the proposed elections for the Australian Rail Tram & Bus Industry Union (Victorian Branch) (ARTBIU) - E2007/273.

Yours sincerely,

David Vale

Assistant Team Manager
Statutory Services
Australian Industrial Registry

Phone: 02 8374 6509
Email: david.vale@air.gov.au



Australian Government
Australian Industrial Registry

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80 William Street, East Sydney, NSW 2011
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Fax: (02) 9380 6990

Mr Trevor Dobbyn
Victorian Branch Secretary
Australian Rail, Tram and Bus Industry Union
Level 2
365 Queen St
Melbourne VIC 3000

Dear Mr Dobbyn

Re: Conduct of Election - E2007/273

I refer to your letter dated 14 November 2007 regarding a proposed election for the Australian Rail, Tram and Bus Industry Union, Victorian Branch.

The Prescribed Information contained in your letter is not in accordance with the current legislation relating to election requests.

Whilst we have sent a copy of your request to the Australian Electoral Commission, unfortunately, we will require the information to be re-lodged so it conforms with the requirements of Regulation 138 of the RAO Regulations before the Registrar can issue a decision in this matter.

Please arrange to lodge information under subsection 189(1) of the RAO Schedule of the Act and Regulation 138 of the Workplace Relations (Registration and Accountability of Organisations) Regulations. I have attached extracts for your assistance.

I have also included a sample s189(1) statement and notice.

Please do not hesitate to contact me on (02) 8374 6509 if you require further explanation of the procedures or assistance in drafting a statement.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Vale', written over a horizontal line.

David Vale
for Deputy Industrial Registrar
15 November 2007

189 Registrar to arrange for conduct of elections

(1) An organisation or branch of an organisation must lodge in the Industrial Registry the prescribed information in relation to an election that is to be conducted by the AEC.

138 Prescribed information for election (RAO Schedule, s 189 (1))

(1) For subsection 189 (1) of the RAO Schedule, the following information is prescribed information for an election conducted for an office or for a position other than an office:

- (a) the name of each office or position for which an election is required;
- (b) the reason for the election is that:
 - (ii) a casual vacancy in the office or position has occurred (or will occur imminently); orthe number of those offices or positions;
- (d) the electorate - the name of the branch, section or division;
- (e) the date and time of the beginning and end of the period in which nominations of candidates will be called for;
- (f) the day provided for in the rules of the organisation as the day on which the roll of voters is to be closed;
- (g) the kind of voting system to be used:
 - (i) a direct voting system; or
 - (ii) a collegiate electoral system.

(2) The prescribed information must contain a statement, signed by an officer of the organisation or branch who is authorised to sign the statement, that the information is lodged under subsection 189 (1) of the RAO Schedule.

SAMPLE

Statement and Notice of Prescribed Information under Regulation 136

I, Trevor Dobbyn, Victorian Branch Secretary of the Australian Rail, Tram and Bus Industry Union, *make the following statement:*

I am the Victorian Branch Secretary of the Australian Rail, Tram and Bus Industry Union,

I am authorised to lodge the following prescribed information concerning forthcoming elections in the Victorian Branch of the Australian Rail, Tram and Bus Industry Union.

I confirm that the following information is being lodged under subsection 189(1) of the RAO Schedule.

Signed: Trevor Dobbyn, Victorian Branch Secretary of the Australian Rail, Tram and Bus Industry Union

Dated: (date) November 2007

Offices/Positions (eg)

A	Branch Divisional Organiser (Direct voting system)
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Reasons for election:

The election is required to fill a casual vacancy that has recently occurred (documentary information relating to the resignation of the persons holding the offices of Branch Divisional Organiser is enclosed)

Elected by:

The electorate for the direct voting system are

Nominations open:

Date to be determined by Returning Officer as casual vacancy

Nominations close:

..... days after nomination open (see Rules.....)

Cut off date for roll:



THE RAIL TRAM & BUS UNION

Victorian Branch

LEVEL 2, 365 QUEEN STREET, MELBOURNE VIC 3000

Telephone: (03) 9600 3030

Fax: (03) 9600 3363

Email: rtbuvic@bigpond.net.au

Statement and Notice of Prescribed Information under Regulation 136

I, Trevor Dobbyn, Victorian Branch Secretary of the Australian Rail, Tram and Bus Industry Union, *make the following statement:*

I am the Victorian Branch Secretary of the Australian Rail, Tram and Bus Industry Union,

I am authorised to lodge the following prescribed information concerning forthcoming elections in the Victorian Branch of the Australian Rail, Tram and Bus Industry Union.

I confirm that the following information is being lodged under subsection 189(1) of the RAO Schedule.

(a) the name of each office or position for which an election is required;

- Branch Divisional Organiser (Infrastructure & Fleet Manufacture, Overhaul, Maintenance and Service Divisions)
- Branch Divisional Secretary (Branch Infrastructure Division)
- Branch Divisional President (Branch Infrastructure Division)

(b) the reason for the election is that:

Casual vacancies have occurred in the following positions due to resignations of;

- Gary McPherson Branch Divisional Organiser Infrastructure & Fleet Manufacture, Overhaul, Maintenance and Service Divisions.
- Bob Wilson Branch Divisional Secretary Infrastructure Division
- Kevin Killender Branch Divisional President Infrastructure Division
(See attached resignations)

(c) No question provided

(d) the electorate – the name of the branch, section or division;

- In accordance with rule 162(6): The Branch Divisional Organiser (Infrastructure/Fleet Manufacture Divisions) shall be elected by all members who are entitled to vote in Branch elections and who are also members of either the Branch Infrastructure Division or Branch Fleet Manufacture, Overhaul, Maintenance and Service Division.
- In accordance with rule 162(2): the Branch Divisional President and the Branch Divisional Secretary, of the Branch Infrastructure Division shall be elected by a secret ballot of all the financial members of the Branch Division.

(e) the date and time of the beginning and end of the period in which nominations of candidates will be called for;

Rule 73 Election Procedures provides:

Except where otherwise provided in these Rules, elections within the Union shall be conducted in accordance with the following procedures:-

The Returning Officer shall call for nominations at least three weeks before the date on which nominations open by a notice published in a union journal or by circulars addressed to members or by the insertion of an advertisement in a newspaper or newspapers circulating throughout the electorate. Such notices shall specify the date on which nominations will open and will close, the dates upon which the ballot will open and will

close, the manner in which nominations can be made and the eligibility requirements for nomination. Where the office or offices for which elections are held are paid positions, the notice shall specify the location, duties and responsibilities of the Office.

(f) the day provided for in the rules of the organisation as the day on which the roll of voters is to be closed;

Rule 73 (xi)

The Returning Officer shall prepare or cause to be prepared a voters' roll containing the name and last known postal address including postcode of each and every member within the electorate, who is a financial member on the day the roll of voters closes. The voters' roll shall close seven (7) days before the date the nominations open. The closing of the roll of voters is not to be taken to prevent the correction of errors in the roll after that day up to but not extending beyond a date seven days prior to the commencing date for the conduct of the ballot.

(g) the kind of voting system to be used;

A direct voting system

Signed: Trevor Dobbyn, Victorian Branch Secretary of the Australian Rail, Tram and Bus Industry Union

Dated: (date) November 2007

Offices/Positions (eg)

Thursday, 22 November 2007

Pauline Richards
Deakin – Nunawading Primary School
104 Springvale Rd

Dear Pauline,

The RTBU contingent for Election Day as follows:

Trevor Dobbyn
Neth Hinton
Peter Waldron
Victor Moore
Grant Wainwright
John Nicolopoulos
John Thelemaque
Kevin Killender

For any further information please don't hesitate to contact myself on 0408 121 934 or Victor Moore on 0407 512 494.

Yours Sincerely



THE RAIL TRAM & BUS UNION

Victorian Branch

LEVEL 2, 365 QUEEN STREET, MELBOURNE VIC 3000

Telephone: (03) 9600 3030

Fax: (03) 9600 3363

Email: rtbuvic@bigpond.net.au

Trevor Dobbyn
State Secretary

VALE, David

From: POWELL, Larry
Sent: Wednesday, 14 November 2007 3:53 PM
To: VALE, David
Subject: FW: Infrastructure, Workshops election.doc
Attachments: Infrastructure, Workshops election.doc

David,

Please find attached further correspondence in relation to the election notification Iain Stewart forwarded to you this morning.

Regards

Larry Powell
Statutory Services Officer, Team 3
Statutory Services Branch

(03) 8661 7993
larry.powell@air.gov.au

From: Angela Johnson [mailto:angela.johnson@rtbuvic.com.au]
Sent: Wednesday, 14 November 2007 3:35 PM
To: POWELL, Larry
Subject: Infrastructure, Workshops election.doc



THE RAIL TRAM & BUS UNION

Victorian Branch

LEVEL 2, 365 QUEEN STREET, MELBOURNE VIC 3000

Telephone: (03) 9600 3030

Fax: (03) 9600 3363

Email: rtbuvic@bigpond.net.au

Thursday, 15 November 2007

Terry Nassios
Deputy Industrial Registrar
Email: larry.powell@air.gov.au



Dear Terry,

As the Victorian Branch Secretary of the Rail Tram and Bus Union in accordance with Section 189(i) of schedule 1 of the Workplace Relations Act and regulation 138 of the Registration and Accountability of Organisations Regulations (2003), I hereby inform you that 3 casual vacancies (see attached) have occurred in the Victorian Branch as a consequence of resignations and request an election be arranged by the Australian Electoral Commission in accordance with the rules of the union for the following positions.

- Branch Divisional Organiser (Infrastructure/Fleet Maintenance Divisions) (Full Time paid position)
- Branch Divisional Secretary (Branch Infrastructure Division) (Honorary position)
- Branch Divisional President (Branch Infrastructure Division) (Honorary position)

All three casual vacancies have arisen as a consequence of resignations.

In accordance with rule 162(6): The Branch Divisional Organiser (Infrastructure/Fleet Manufacture Divisions) shall be elected by all members who are entitled to vote in Branch elections and who are also members of either the Branch Infrastructure Division or Branch Fleet Manufacture, Overhaul, Maintenance and Service Division.

In accordance with rule 162(2): the Branch Divisional President and the Branch Divisional Secretary, of the Branch Infrastructure Division shall be elected by a secret ballot of all the financial members of the Branch Division.

Rule 78(2) provides that where a casual vacancy such as these occurs, a ballot shall be held to fill the Office in accordance with the provisions of Part VIII of the rules.

Rule 73 Election Procedures provides:

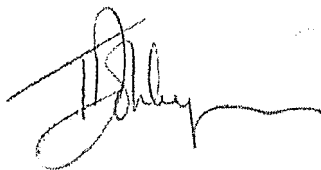
Except where otherwise provided in these Rules, elections within the Union shall be conducted in accordance with the following procedures:-

- (i) The Returning Officer shall call for nominations at least three weeks before the date on which nominations open by a notice published in a union journal or by circulars addressed to members or by the insertion of an advertisement in a newspaper or newspapers circulating throughout the electorate. Such notices shall specify the date on which nominations will open and will close, the dates upon which the ballot will open and will close, the manner in which nominations can be made and the eligibility requirements for nomination. Where the office or offices for which elections are held are paid positions, the notice shall specify the location, duties and responsibilities of the Office.

- (ii) Nominations shall be in writing and shall be signed by the nominee.
- (iii) If the Returning Officer finds that a nomination is defective, he/she shall, before rejecting the nomination, notify the person concerned of the defect and where it is practicable to do so, give him or her the opportunity of remedying the defect within not less than seven days but not more than ten days after he or she has been notified.
- (iv) A member nominating for any office may withdraw his/her nomination by advising the Returning Officer in writing at any time after the opening date for receipt of nominations but not later than ten days after the closing date for the receipt of nominations.
- (v) A candidate in any election shall be entitled to appoint, by notice in writing to the Returning Officer, another person to act at his/her own expense as a scrutineer on his/her behalf. Such scrutineer shall be entitled to be present at all stages of the ballot and may draw the attention of the Returning Officer to any complaint which he/she has regarding the ballot, but he/she shall not interfere in the counting of the ballot or handle any ballot paper or ballot envelope without the permission of the Returning Officer. The Returning Officer shall, if requested by any scrutineer, inform the scrutineer of the times and places at which the various stages of the ballot will be conducted.
- (vi) Except in the case of Offices which represent members in the Tram and Bus Division only, a candidate in an election shall be entitled to support his/her candidature in National and Branch Journals and may submit articles for this purpose.
- (vii) If the number of nominations does not exceed the number of vacancies, the Returning Officer shall declare the nominee(s) duly elected. Nominees declared duly elected shall not, however, take Office until the day following the date on which a ballot would have concluded pursuant to the provisions of Rule 71.
- (viii) If the number of nominations exceeds the number of vacancies, a secret postal ballot of all financial members within the relevant electorate, shall be held.
- (ix) Where a ballot is necessary, the Returning Officer shall cause to be printed ballot papers which are oblong in shape and show the name, classification and work location of each candidate. All ballot papers shall be printed bearing the signature of the Returning Officer imposed on a facsimile of the Union's Seal. No vote shall be valid unless the ballot paper bears the signature of the Returning Officer imposed upon a facsimile of the Union's Seal. The names of the candidates shall appear on the ballot paper as decided by lot. One ballot paper may contain provision for voting in respect of more than one election.
- (x) The Returning Officer shall also cause to be printed declaration envelopes marked "Ballot Paper" and other prepaid envelopes bearing the address of the Returning Officer. Both the declaration envelopes and the prepaid envelopes shall comply with the forms prescribed by the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003. In addition, the removable flap or label shall also have printed on it a number corresponding to a number appearing opposite the financial member's name on the list of voters.
- (xi) The Returning Officer shall prepare or cause to be prepared a voters' roll containing the name and last known postal address including postcode of each and every member within the electorate, who is a financial member on the day the roll of voters closes. The voters' roll shall close seven (7) days before the date the nominations open. The closing of the roll of voters is not to be taken to prevent the correction of errors in the roll after that day up to but not extending beyond a date seven days prior to the commencing date for the conduct of the ballot.
- (xii) The Returning Officer shall keep a record of the number of ballot papers printed, the number issued by him/her and the number used and unused and, in his/her written declaration of the poll, shall account for every ballot paper printed.
- (xiii) The Returning Officer shall issue by pre-paid post to each financial member within the electorate, a Ballot Paper as specified, together with a declaration envelope marked "Ballot Paper" suitable for containing the Ballot Paper and supply therewith to each voter a pre-paid envelope addressed to the Returning Officer.

- (xiv) The Returning Officer shall arrange for a post office box to which ballot papers may be forwarded and shall arrange, so far as is possible, that such post office box is not able to be accessed by persons other than himself/herself (post office staff excepted).
- (xv) The Returning Officer shall instruct each voter in the manner in which a vote is to be recorded on the ballot paper.
- (xvi) The voter shall, on receipt of the ballot paper, record his/her vote, enclose the ballot paper in the envelope marked "Ballot Paper", seal the envelope, sign the declaration on the removable flap or label in the place provided and insert it in the prepaid envelope bearing the address of the Returning Officer and thereafter forward it by post to the Returning Officer.
- (xvii) The Returning Officer shall, after the closing date for the ballot, collect the envelopes containing the ballot papers from the post office box. He/she shall check the details and declaration on the removable flap or label with the voters' roll to ensure that no votes are cast except by those entitled to do so and that no voter has cast more votes than he/she is entitled to. He/she shall then remove the declaration envelopes marked "Ballot Paper" from the outside envelopes.
- (xviii) The Returning Officer shall remove the removable flap or label from the declaration envelope marked "Ballot Paper" before removing the ballot papers. He/she shall admit the ballot papers properly marked and count those ballot papers.
- (xix) Where more than one candidate receive the same number of votes, the Returning Officer shall determine the successful candidate by lot provided that the candidates agree. In the event that the candidates do not agree then a further ballot shall be held in accordance with these Rules.
- (xx) When the counting of the ballot is completed, the Returning Officer shall cause all envelopes, ballot papers, lists and other documents relating to the election to be filed and preserved at the registered office of the Union or the office of the Branch, as the case may be, for a period of one year after completion of the election.
- (xxi) The Returning Officer shall declare the result of the ballot as soon as practicable following the completion of the count.
- (xxii) The Returning Officer shall have the power to call fresh elections in the event of irregularities being discovered in relation to the ballot or for any other reason which affects the legality of the election result.
- (xxiii) Where no nominations are received for any position the Returning Officer shall by notice in writing to the members call for nominations for that position within 7 days of the declaration of the ballot. A further election shall be held for that position and as far as is practicable the provisions of this Rule shall apply.

Yours Sincerely



Trevor Dobbyn

VALE, David

From: VALE, David
Sent: Wednesday, 14 November 2007 12:38 PM
To: 'angela.johnson@rtbuvic.com.au'
Subject: RE: Rail, Tram and Bus Union Infrastructure, Workshops election.doc
Importance: High

Dear Angela,

Could you please file and resend me another copy of the prescribed information requesting an election for casual vacancies, but without the "deleted mark ups".

Thank you,

David Vale

Assistant Team Manager
Statutory Services
Australian Industrial Registry

Phone: 02 8374 6509
Email: david.vale@air.gov.au

 **VALE, David**

From: VALE, David
Sent: Wednesday, 14 November 2007 11:34 AM
To: 'industrial.elections@aec.gov.au'
Subject: Elections ARTBIU E2007/273
Attachments: ARTBIU SCAN OF FILE ELECTIONS E2007 273 14.11.07.pdf; ARTBIU 139V (21-08-06).doc

Dear AEC,

Please find attached prescribed information for upcoming elections for the ARTBIU, and a copy of the current rulebook.

Regards

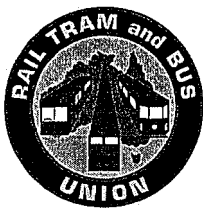
David Vale

Assistant Team Manager
Statutory Services
Australian Industrial Registry

Phone: 02 8374 6509
Email: david.vale@air.gov.au

14/11/2007

E 2007/273.



THE RAIL TRAM & BUS UNION

Victorian Branch

LEVEL 2, 365 QUEEN STREET, MELBOURNE VIC 3000
Telephone: (03) 9600 3030
Fax: (03) 9600 3363
Email: rtbuvic@bigpond.net.au

Wednesday, 14 November 2007

Terry Nassios
Deputy Industrial Registrar
Email: larry.powell@air.gov.au

Dear Terry,

As the Victorian Branch Secretary of the Rail Tram and Bus Union in accordance with Section 189(i) of schedule 1 of the Workplace Relations Act, and regulation 138 of the Registration and Accountability of Organisations Regulations (2003), I hereby inform you that 3 casual vacancies (see attached) have occurred in the Victorian Branch as a consequence of resignations and request an election be arranged by the Australian Electoral Commission in accordance with the rules of the union for the following positions.

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- Branch Divisional Organiser (Infrastructure/Fleet Maintenance Divisions) (Full Time paid position)
- Branch Divisional Secretary (Branch Infrastructure Division) (Honorary position)
- Branch Divisional President (Branch Infrastructure Division) (Honorary position)

All three casual vacancies have arisen as a consequence of resignations.

In accordance with rule 162(6): The Branch Divisional Organiser (Infrastructure/Fleet Manufacture Divisions) shall be elected by all members who are entitled to vote in Branch elections and who are also members of either the Branch Infrastructure Division or Branch Fleet Manufacture, Overhaul, Maintenance and Service Division.

In accordance with rule 162(2): the Branch Divisional President, and the Branch Divisional Secretary, of the Branch Infrastructure Division, shall be elected by a secret ballot of all the financial members of the Branch Division.

Deleted: s, the Branch Divisional Vice Presidents
Deleted: e
Deleted: respective
Deleted: (s)

Rule 78(2) provides that where a casual vacancy such as these occurs, a ballot shall be held to fill the Office in accordance with the provisions of Part VIII of the rules.

Rule 73 Election Procedures provides:

Deleted: In accordance with r
Deleted: 73 - ELECTION PROCEDURES

Except where otherwise provided in these Rules, elections within the Union shall be conducted in accordance with the following procedures:-

- (i) The Returning Officer shall call for nominations at least three weeks before the date on which nominations open by a notice published in a union journal or by circulars addressed to members or by the insertion of an advertisement in a newspaper or newspapers circulating throughout the electorate. Such notices shall specify the date on which nominations will open and will close, the dates upon which the ballot will open and will close, the manner in which nominations can be made and the eligibility requirements for nomination. Where the office or offices for which elections are held are paid positions, the notice shall specify the location, duties and responsibilities of the Office.



- (ii) Nominations shall be in writing and shall be signed by the nominee.
- (iii) If the Returning Officer finds that a nomination is defective, he/she shall, before rejecting the nomination, notify the person concerned of the defect and where it is practicable to do so, give him or her the opportunity of remedying the defect within not less than seven days but not more than ten days after he or she has been notified.
- (iv) A member nominating for any office may withdraw his/her nomination by advising the Returning Officer in writing at any time after the opening date for receipt of nominations but not later than ten days after the closing date for the receipt of nominations.
- (v) A candidate in any election shall be entitled to appoint, by notice in writing to the Returning Officer, another person to act at his/her own expense as a scrutineer on his/her behalf. Such scrutineer shall be entitled to be present at all stages of the ballot and may draw the attention of the Returning Officer to any complaint which he/she has regarding the ballot, but he/she shall not interfere in the counting of the ballot or handle any ballot paper or ballot envelope without the permission of the Returning Officer. The Returning Officer shall, if requested by any scrutineer, inform the scrutineer of the times and places at which the various stages of the ballot will be conducted.
- (vi) Except in the case of Offices which represent members in the Tram and Bus Division only, a candidate in an election shall be entitled to support his/her candidature in National and Branch Journals and may submit articles for this purpose.
- (vii) If the number of nominations does not exceed the number of vacancies, the Returning Officer shall declare the nominee(s) duly elected. Nominees declared duly elected shall not, however, take Office until the day following the date on which a ballot would have concluded pursuant to the provisions of Rule 71.
- (viii) If the number of nominations exceeds the number of vacancies, a secret postal ballot of all financial members within the relevant electorate, shall be held.
- (ix) Where a ballot is necessary, the Returning Officer shall cause to be printed ballot papers which are oblong in shape and show the name, classification and work location of each candidate. All ballot papers shall be printed bearing the signature of the Returning Officer imposed on a facsimile of the Union's Seal. No vote shall be valid unless the ballot paper bears the signature of the Returning Officer imposed upon a facsimile of the Union's Seal. The names of the candidates shall appear on the ballot paper as decided by lot. One ballot paper may contain provision for voting in respect of more than one election.
- (x) The Returning Officer shall also cause to be printed declaration envelopes marked "Ballot Paper" and other prepaid envelopes bearing the address of the Returning Officer. Both the declaration envelopes and the prepaid envelopes shall comply with the forms prescribed by the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003. In addition, the removable flap or label shall also have printed on it a number corresponding to a number appearing opposite the financial member's name on the list of voters.
- (xi) The Returning Officer shall prepare or cause to be prepared a voters' roll containing the name and last known postal address including postcode of each and every member within the electorate, who is a financial member on the day the roll of voters closes. The voters' roll shall close seven (7) days before the date the nominations open. The closing of the roll of voters is not to be taken to prevent the correction of errors in the roll after that day up to but not extending beyond a date seven days prior to the commencing date for the conduct of the ballot.
- (xii) The Returning Officer shall keep a record of the number of ballot papers printed, the number issued by him/her and the number used and unused and, in his/her written declaration of the poll, shall account for every ballot paper printed.
- (xiii) The Returning Officer shall issue by pre-paid post to each financial member within the electorate, a Ballot Paper as specified, together with a declaration envelope marked "Ballot Paper" suitable for containing the Ballot Paper and supply therewith to each voter a pre-paid envelope addressed to the Returning Officer.

- (xiv) The Returning Officer shall arrange for a post office box to which ballot papers may be forwarded and shall arrange, so far as is possible, that such post office box is not able to be accessed by persons other than himself/herself (post office staff excepted).
- (xv) The Returning Officer shall instruct each voter in the manner in which a vote is to be recorded on the ballot paper.
- (xvi) The voter shall, on receipt of the ballot paper, record his/her vote, enclose the ballot paper in the envelope marked "Ballot Paper", seal the envelope, sign the declaration on the removable flap or label in the place provided and insert it in the prepaid envelope bearing the address of the Returning Officer and thereafter forward it by post to the Returning Officer.
- (xvii) The Returning Officer shall, after the closing date for the ballot, collect the envelopes containing the ballot papers from the post office box. He/she shall check the details and declaration on the removable flap or label with the voters' roll to ensure that no votes are cast except by those entitled to do so and that no voter has cast more votes than he/she is entitled to. He/she shall then remove the declaration envelopes marked "Ballot Paper" from the outside envelopes.
- (xviii) The Returning Officer shall remove the removable flap or label from the declaration envelope marked "Ballot Paper" before removing the ballot papers. He/she shall admit the ballot papers properly marked and count those ballot papers.
- (xix) Where more than one candidate receive the same number of votes, the Returning Officer shall determine the successful candidate by lot provided that the candidates agree. In the event that the candidates do not agree then a further ballot shall be held in accordance with these Rules.
- (xx) When the counting of the ballot is completed, the Returning Officer shall cause all envelopes, ballot papers, lists and other documents relating to the election to be filed and preserved at the registered office of the Union or the office of the Branch, as the case may be, for a period of one year after completion of the election.
- (xxi) The Returning Officer shall declare the result of the ballot as soon as practicable following the completion of the count.
- (xxii) The Returning Officer shall have the power to call fresh elections in the event of irregularities being discovered in relation to the ballot or for any other reason which affects the legality of the election result.
- (xxiii) Where no nominations are received for any position the Returning Officer shall by notice in writing to the members call for nominations for that position within 7 days of the declaration of the ballot. A further election shall be held for that position and as far as is practicable the provisions of this Rule shall apply.

Yours Sincerely



Trevor Dobbyn