



**Post Election Report For:**

**Election E No 2010/2653**

I refer to the above election for your organisation.

Section 197(1) of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to the General Manager and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the Fair Work Regulations 2009 requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Simon Bulloch  
Returning Officer  
4 May 2011

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Election Services-WA State Office  
Level 3, 111 St Georges Terrace PERTH WA 6000  
PO Box A16, PERTH WA 6001  
Tel: (08) 6363 8011 Fax: (08) 6363 8052

**Fair Work (Registered Organisations) Act 2009**  
**POST ELECTION REPORT**

**ELECTION/S COVERED IN THIS REPORT**

Election Decision No/s:2010/2653

**RULES**

[139V: - This Rule Book incorporates alterations certified on 10/09/2010 in R2010/84]

Rules difficult to apply/interpret: Nil

Model Rule reference (if any): N/A

**ROLL OF VOTERS**

Roll of Voters was provide by the ARTBIU National Office to the National Returning Officer and used to conduct this election

**IRREGULARITIES**

Details of written allegations of irregularities, and action taken by AEC: Nil

Other irregularities identified, and action taken: Nil

**ATTACHMENTS**

Declaration of Results for Contested and Uncontested Offices for Part 1and the Recall elections.

Simon Bulloch  
Returning Officer  
4 May 2011

**Australian Rail, Tram and Bus Industry Union  
Western Australian Branch Recall Election**

**DECLARATION OF RESULTS FOR UNCONTESTED OFFICES**

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.

E2010/2653

**West Australian Branch**

**Affirmative Action Councillor**

Candidate

MARTIN, Helen Angela

I declare Helen Angela Martin elected.

**Intrastate Section**

**Goldfields Sub-Branch**

**Sub-Branch Committee Members (5)**

Candidates

CLARKE, Nicholas Wilson  
WILLIS, Shaun

I declare Nicholas Wilson Clarke and Shaun Willis elected.  
No other nominations received.

**Midwest Sub-Branch**

**Sub-Branch Vice President**

Candidates

No nomination was received

No candidates elected.

**Sub-Branch Committee Members (4)**

Candidates

MULLER, Brett  
RAYNER, Gavin Scott  
VICK, Allen

I declare Brett Muller, Gavin Scott Rayner and Allen Vick elected.  
No other nominations received.

**Southwest Sub-Branch**

**Sub-Branch President**

Candidates

No nomination was received

No candidates elected.

**Sub-Branch Vice President**

Candidates

No nomination was received

No candidates elected.

**Sub-Branch Committee Members (6)**

Candidates

No candidates elected.

## **Wheatbelt Sub-Branch**

### **Sub-Branch Committee Members (2)**

#### Candidates

No candidates elected.

## **Interstate Section**

## **Metropolitan Sub-Branch**

### **Sub-Branch President**

#### Candidates

No nomination was received

No candidates elected.

### **Sub-Branch Vice President**

#### Candidates

No nomination was received

No candidates elected.

### **Sub-Branch Committee Members (7)**

#### Candidates

No candidates elected.

## **Regional Sub-Branch**

### **Sub-Branch President**

#### Candidates

No nomination was received

No candidates elected.

### **Sub-Branch Vice President**

#### Candidates

No nomination was received

No candidates elected.

### **Sub-Branch Secretary**

#### Candidates

No nomination was received

No candidates elected.

### **Sub-Branch Committee Members (7)**

#### Candidates

No candidates elected.

## **Infrastructure Section**

### **John Holland Sub-Branch**

#### **Sub-Branch President**

##### Candidates

No nomination was received

No candidates elected.

#### **Sub-Branch Vice President**

##### Candidates

No nomination was received

No candidates elected.

#### **Sub-Branch Committee Members (6)**

##### Candidates

No candidates elected.

### **Westnet Rail Sub-Branch**

#### **Sub-Branch President**

##### Candidates

No nomination was received

No candidates elected.

#### **Sub-Branch Vice President**

##### Candidates

No nomination was received

No candidates elected.

#### **Sub-Branch Secretary**

##### Candidates

No nomination was received

No candidates elected.

#### **Sub-Branch Committee Member (7)**

##### Candidates

No candidates elected.

### **Security Sub-Branch**

#### **Sub-Branch Committee Members (6)**

##### Candidates

No candidates elected.

### **Urban Rail Sub-Branch**

#### **Sub-Branch Committee Members (6)**

##### Candidates

No candidates elected.

## **Customer Relations Sub-Branch**

### **Sub-Branch Committee Members (2)**

#### Candidate

SCOTT, David Roger

I declare David Roger Scott elected.  
No other nominations received.

## **Trans WA Sub-Branch**

### **Sub-Branch Vice President**

#### Candidates

No nomination was received

No candidates elected.

### **Sub-Branch Secretary**

#### Candidate

NEDELJKOVIC, S (ned)

I declare S (ned) Nedeljko elected.

### **Sub-Branch Committee Members (7)**

#### Candidates

BRENNAN, Greg  
KING, Karl  
ORBELL, Barry  
WEBB, Anne

I declare Greg Brennan, Karl King, Barry Orbell and Anne Webb elected.  
No other nominations received.

## **Delron & Goldfields Buses Sub-Branch**

### **Sub-Branch President**

#### Candidates

No nomination was received

No candidates elected.

### **Sub-Branch Vice President**

#### Candidates

No nomination was received

No candidates elected.

### **Sub-Branch Secretary**

#### Candidates

No nomination was received

No candidates elected.

### **Sub-Branch Committee Members (7)**

#### Candidates

No candidates elected.

## **Miscellaneous Sub-Branch**

### **Sub-Branch President**

#### Candidates

No nomination was received

No candidates elected.

### **Sub-Branch Vice President**

#### Candidates

No nomination was received

No candidates elected.

### **Sub-Branch Secretary**

#### Candidates

No nomination was received

No candidates elected.

### **Sub-Branch Committee Members (7)**

#### Candidates

No candidates elected.

Simon Bulloch  
Returning Officer  
Australian Electoral Commission  
3 May 2011

# Australian Rail, Tram and Bus Industry Union Western Australian Branch Election

## DECLARATION OF RESULTS FOR CONTESTED OFFICES

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.

E2010/2653

### Urban Rail Sub-Branch- Vice President

Total number of persons on the roll of voters	152
Ballot papers issued	152
Duplicate ballot papers issued	0
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>152</b>
Ballot papers / envelopes returned for scrutiny	82
Less ballot papers / envelopes rejected at preliminary scrutiny	1
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>81</b>
Percentage of ballot papers returned to number issued	53%
Ballot papers returned as unclaimed mail	1
Ballot papers not returned	69

### Sub-Branch Vice President

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
DRURY, James	32	32
OLYNYK, Peter	49	49
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	81	81
Formal ballot papers	81	81
Informal ballot papers	0	0

I declare Peter Olynyk elected.

Simon Bulloch  
Returning Officer  
Australian Electoral Commission  
22 March 2011



# Australian Rail, Tram and Bus Industry Union Western Australian Branch Election

## DECLARATION OF RESULTS FOR CONTESTED OFFICES

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.

E2010/2653

### Urban Rail Sub-Branch- Vice President

Total number of persons on the roll of voters	152
Ballot papers issued	152
Duplicate ballot papers issued	0
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>152</b>
Ballot papers / envelopes returned for scrutiny	82
Less ballot papers / envelopes rejected at preliminary scrutiny	1
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>81</b>
Percentage of ballot papers returned to number issued	53%
Ballot papers returned as unclaimed mail	1
Ballot papers not returned	69

### Sub-Branch Vice President

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
DRURY, James	32	32
OLYNYK, Peter	49	49
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	81	81
Formal ballot papers	81	81
Informal ballot papers	0	0

I declare Peter Olynyk elected.

Simon Bulloch  
Returning Officer  
Australian Electoral Commission  
22 March 2011

# Australian Rail, Tram and Bus Industry Union Western Australian Branch Election

## DECLARATION OF RESULTS FOR CONTESTED OFFICES

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.

E2010/2653

### West Australian Branch

Total number of persons on the roll of voters	1252
Ballot papers issued	1252
Duplicate ballot papers issued	1
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>1253</b>
Ballot papers / envelopes returned for scrutiny	403
Less ballot papers / envelopes rejected at preliminary scrutiny	12
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>391</b>
Percentage of ballot papers returned to number issued	32%
Ballot papers returned as unclaimed mail	14
Ballot papers not returned	836

### Branch President

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
KING, Ian Robert Lewis	191	191
CHANCE, Michael	187	187
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	378	378
Formal ballot papers	378	378
Informal ballot papers	13	13

I declare Ian Robert Lewis King elected.

Total number of persons on the roll of voters	512
Ballot papers issued	512
Duplicate ballot papers issued	0
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>512</b>
Ballot papers / envelopes returned for scrutiny	192
Less ballot papers / envelopes rejected at preliminary scrutiny	5
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>187</b>
Percentage of ballot papers returned to number issued	37%
Ballot papers returned as unclaimed mail	3
Ballot papers not returned	317

### Branch Assistant Secretary (Assistant Secretary, PTA Section)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
PATERSON, Neal	122	122
HOPPERTON, Jason	63	63
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	185	185
Formal ballot papers	185	185
Informal ballot papers	2	2

I declare Neal Paterson elected.

Total number of persons on the roll of voters	1252
Ballot papers issued	1252
Duplicate ballot papers issued	1
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>1253</b>
Ballot papers / envelopes returned for scrutiny	398
Less ballot papers / envelopes rejected at preliminary scrutiny	7
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>391</b>
Percentage of ballot papers returned to number issued	31%
Ballot papers returned as unclaimed mail	14
Ballot papers not returned	841

### Branch Vice-President

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
FOGLIANI, Cory	136	136
DRIVER, Hywel	120	120
MILLER, John	133	133
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	389	389
Formal ballot papers	389	389
Informal ballot papers	2	2

I declare Cory Fogliani elected.

### Goldfields Sub-Branch

Total number of persons on the roll of voters	99
Ballot papers issued	99
Duplicate ballot papers issued	1
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>100</b>
Ballot papers / envelopes returned for scrutiny	35
Less ballot papers / envelopes rejected at preliminary scrutiny	1
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>34</b>
Percentage of ballot papers returned to number issued	35%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	65

### Sub-Branch Vice President

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
CALLAGHAN, Norm	23	23
JANSE VAN VUUREN, JP	11	11
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	34	34
Formal ballot papers	34	34
Informal ballot papers	0	0

I declare Norm Callaghan elected.

## Metro Sub-Branch

Total number of persons on the roll of voters	124
Ballot papers issued	124
Duplicate ballot papers issued	0
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>124</b>
Ballot papers / envelopes returned for scrutiny	53
Less ballot papers / envelopes rejected at preliminary scrutiny	3
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>50</b>
Percentage of ballot papers returned to number issued	42%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	71

## Sub-Branch Committee Members (7)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
BRANDT, Anthony Francis	22	22
PLATT, John	45	45
BOYD, Steve	44	44
FILCOCK, Graeme	47	47
YOUNG, Stephen	47	47
FOGLIANI, Cory	40	40
KENNEDY, Dom	43	43
MATTHIESSEN, Tim	45	45
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	333	333
Formal ballot papers	50	50
Informal ballot papers	0	0

I declare Steve Boyd, Graeme Filcock, Cory Fogliani, Dom Kennedy, Tim Matthiessen, John Platt and Stephen Young elected.

## Urban Rail Sub-Branch

Total number of persons on the roll of voters	152
Ballot papers issued	152
Duplicate ballot papers issued	0
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>152</b>
Ballot papers / envelopes returned for scrutiny	90
Less ballot papers / envelopes rejected at preliminary scrutiny	2
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>88</b>
Percentage of ballot papers returned to number issued	59.21%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	0

## Sub-Branch Vice President

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
DRURY, James	44	44
OLYNYK, Peter	44	44
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	0	0
Formal ballot papers	88	88
Informal ballot papers	0	0

Rule 73 (XiX) of the ARTBIU Federal Rules state.

Where more than one candidate receives 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.

The Candidates have been written to and advised of this rule and are yet to decide on what method they will select to resolve the situation.

Simon Bulloch  
Returning Officer  
Australian Electoral Commission

23 February 2011.

# Australian Rail, Tram and Bus Industry Union Western Australian Branch Election

## DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Fair Work (Registered Organisations) Act 2010 and the rules of the organisation.

E2010/2653

### **West Australian Branch**

#### **Branch Secretary**

##### Candidate

WOODCOCK, Philip

#### **Affirmative Action Councillor**

No nomination was received

### **Goldfields Sub-Branch**

#### **Sub-Branch President**

##### Candidate

TOLMAN, Richard

#### **Sub-Branch Secretary**

##### Candidate

ADAMS, Garry

#### **Sub-Branch Committee Members (7)**

##### Candidates

MILLS, Darrin

ROWE, Walter

No further nominations were accepted

### **Metro Sub-Branch**

#### **Sub Branch President**

##### Candidate

MCKINLEY, Glen Bruce

**Sub-Branch Vice President**

Candidate

MCKINLEY, Craig

**Sub-Branch Secretary**

Candidate

MANNERS, Jayson

**Midwest Sub-Branch**

**Sub-Branch President**

Candidate

OTTERBURN, Andrew

**Sub-Branch Vice President**

No nomination was received

**Sub-Branch Secretary**

Candidate

COOPER, Peter James

**Sub-Branch Committee Members (7)**

Candidates

CLANCY, S.

FAHEY, Ted

HUMPHREY, S. R.

No further nominations were accepted

**Southwest Sub-Branch**

**Sub-Branch President**

No nomination was received

**Sub-Branch Vice President**

No nomination was received

**Sub-Branch Secretary**

Candidate

NORMINGTON, Barry Kevin

**Sub-Branch Committee Members (7)**

Candidate

WRIGHT, Steven  
No further nominations were accepted

**Wheatbelt Sub-Branch**

**Sub-Branch President**

Candidate

GILLMORE, John

**Sub-Branch Vice President**

Candidate

HASSON, Mark

**Sub-Branch Secretary**

Candidate

ABEL, Wayne Robert

**Sub-Branch Committee Members (7)**

Candidates

BEYNON, Phil  
MONTGOMERY, Greg  
POLLOCK, Stephen  
TAYLOR, Jamie  
WYATT, David J  
No further nominations were accepted

**Metropolitan Sub-Branch**

**Sub-Branch President**

No nomination was received

**Sub-Branch Vice President**

No nomination was received

**Sub-Branch Secretary**

Candidate

CURRAN, Brian James Joseph



**Sub-Branch Committee Members (7)**

No nominations were received

**Regional Sub-Branch**

**Sub-Branch President**

No nomination was received

**Sub-Branch Vice President**

No nomination was received

**Sub-Branch Secretary**

No nomination was received

**Sub-Branch Committee Members (7)**

No nominations were received

**John Holland Sub-Branch**

**Sub-Branch President**

No nomination was received

**Sub-Branch Vice President**

No nomination was received

**Sub-Branch Secretary**

Candidate

HANLEY, Damian James

**Sub-Branch Committee Members (7)**

Candidate

ROPIHA, Rua

No further nominations were accepted

**Westnet Rail Sub-Branch**

**Sub-Branch President**

No nomination was received

**Sub-Branch Vice President**

No nomination was received

**Sub-Branch Secretary**

No nomination was received

**Sub-Branch Committee Member (7)**

No nominations were received

**Security Sub-Branch**

**Sub-Branch President**

Candidate

FORD, Brendan

**Sub-Branch Vice President**

Candidate

KIELBASA, Maciej

**Sub-Branch Secretary**

Candidate

REED, James

**Sub-Branch Committee Members (7)**

Candidate

MCCARNEY, Piers

No further nominations were accepted

**Urban Rail Sub-Branch**

**Sub-Branch President**

Candidate

DEARTH, Craig

**Sub-Branch Secretary**

Candidate

SILVIO, Joseph

**Sub-Branch Committee Members (7)**

Candidate

CHANCE, Michael

No further nominations were accepted

**Customer Relations Sub-Branch**

**Sub-Branch President**

Candidate

MARTIN, Helen

**Sub-Branch Vice President**

Candidate

WATTS, Barry

**Sub-Branch Secretary**

Candidate

OLDING, John

**Sub-Branch Committee Members (7)**

Candidates

BEDFORD, William

EDMONDS, Cedric

FINDE, Patricia Anne

MORALES, Scari Marcelo

SHREEVE, Winston Victor

No further nominations were accepted

**Trans WA Sub-Branch**

**Sub-Branch President**

Candidate

ELLIMAN, Kim John

**Sub-Branch Vice President**

No nomination was received

**Sub-Branch Secretary**

No nomination was received

**Sub-Branch Committee Members (7)**

No nominations were received

**Delron & Goldfields Buses Sub-Branch**

**Sub-Branch President**

No nomination was received

**Sub-Branch Vice President**

No nomination was received

**Sub-Branch Secretary**

No nomination was received

**Sub-Branch Committee Members (7)**

No nominations were received

**Miscellaneous Sub-Branch**

**Sub-Branch President**

No nomination was received

**Sub-Branch Vice President**

No nomination was received

**Sub-Branch Secretary**

No nomination was received

**Sub-Branch Committee Members (7)**

No nominations were received

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

Simon Bulloch  
Returning Officer

13 December 2010

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FAIR WORK  
AUSTRALIA

16 September 2010

Mr Allan Barden  
National Secretary  
ARTBIU  
83-89 Renwick Street  
REDFERN NSW 2016



Dear Mr Barden

**Re: Election – Australian Rail, Tram and Bus Industry Union, WA Branch (E2010/2653)**

I refer to the prescribed information in relation to an election for offices of the West Australian Branch, which was lodged with Fair Work Australia on 9 September 2010.

Acting General Manager Terry Nassios has granted the election. The Decision is enclosed.

Yours sincerely,

Stephen Kellett  
Organisations and Research  
Fair Work Australia



FAIR WORK  
AUSTRALIA

## DECISION

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

**Australian Rail, Tram and Bus Industry Union**  
(E2010/2653)

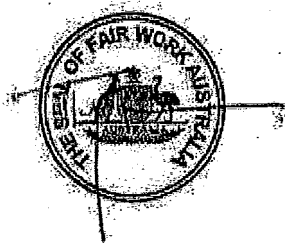
TERRY NASSIOS  
ACTING GENERAL MANAGER

MELBOURNE, 16 SEPTEMBER 2010

*Arrangement for conduct of an election.*

[1] On 13 August 2010 the above organisation lodged with Fair Work Australia prescribed information in relation to the conduct of an election for offices and positions. On 7 September 2010, the organisation lodged amended prescribed information. On 9 September 2010 the organisation lodged amended prescribed information replacing the previous prescribed information. The offices and positions concerned are as set out in Attachment A.

[2] I am satisfied that an election for the offices and positions set out in Attachment A 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.



ACTING GENERAL MANAGER  
FAIR WORK AUSTRALIA

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ATTACHMENT A

**National Offices**

National Divisional Delegates from Branch to National Council (as follows):

West Australian Branch

Infrastructure Division	(1)
Locomotive Division	(1)
Rail Operations Division	(1)

**Branch Offices**

**West Australian Branch**

Branch President  
Branch Secretary  
Branch Assistant Secretary (Assistant Secretary, PTA Section)  
Branch Vice-President  
Affirmative Action Councillor

Sub-Branch Committees (as follows):

**Intrastate Section** (comprising Australian Railroad Group employees)

Goldfields Sub-Branch

Sub-Branch President	
Sub-Branch Vice President	
Sub-Branch Secretary	
Sub-Branch Committee Members	(7)

Metro Sub-Branch

Sub-Branch President	
Sub-Branch Vice President	
Sub-Branch Secretary	
Sub-Branch Committee Members	(7)

Midwest Sub-Branch

Sub-Branch President	
Sub-Branch Vice President	
Sub-Branch Secretary	
Sub-Branch Committee Members	(7)

Southwest Sub-Branch

Sub-Branch President	
Sub-Branch Vice President	
Sub-Branch Secretary	
Sub-Branch Committee Members	(7)

Wheatbelt Sub-Branch

Sub-Branch President  
Sub-Branch Vice President  
Sub-Branch Secretary  
Sub-Branch Committee Members (7)

**Interstate Section** (comprising Pacific National and S.C.T. Logistics employees)

Metropolitan Sub-Branch

Sub-Branch President  
Sub-Branch Vice President  
Sub-Branch Secretary  
Sub-Branch Committee Members (7)

Regional Sub-Branch

Sub-Branch President  
Sub-Branch Vice President  
Sub-Branch Secretary  
Sub-Branch Committee Members (7)

**Infrastructure Section** (comprising John Holland and Westnet Rail employees)

John Holland Sub-Branch

Sub-Branch President  
Sub-Branch Vice President  
Sub-Branch Secretary  
Sub-Branch Committee Members (7)

Westnet Rail Sub-Branch

Sub-Branch President  
Sub-Branch Vice President  
Sub-Branch Secretary  
Sub-Branch Committee Members (7)

**PTA Section** (comprising employees in or in connection with Public Transport Authority)

Security Sub-Branch

Sub-Branch President  
Sub-Branch Vice President  
Sub-Branch Secretary  
Sub-Branch Committee Members (7)

Urban Rail Sub-Branch

Sub-Branch President  
Sub-Branch Vice President  
Sub-Branch Secretary  
Sub-Branch Committee Members (7)

Customer Relations Sub-Branch

Sub-Branch President  
Sub-Branch Vice President  
Sub-Branch Secretary  
Sub-Branch Committee Members (7)



TransWA Sub-Branch

Sub-Branch President  
Sub-Branch Vice President  
Sub-Branch Secretary  
Sub-Branch Committee Members (7)

Delron & Goldfields Buses Sub-Branch

Sub-Branch President  
Sub-Branch Vice President  
Sub-Branch Secretary  
Sub-Branch Committee Members (7)

Miscellaneous Sub-Branch

Sub-Branch President  
Sub-Branch Vice President  
Sub-Branch Secretary  
Sub-Branch Committee Members (7)

**KELLETT, Stephen**

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**From:** KELLETT, Stephen  
**Sent:** Thursday, 16 September 2010 2:01 PM  
**To:** 'industrial.elections@aec.gov.au'  
**Cc:** 'Simon Bulloch'  
**Subject:** E2010/2653 WA Branch Elections (ARTBIU)

Electoral Commissioner Through  
Australian Electoral Officer ([industrial.elections@aec.gov.au](mailto:industrial.elections@aec.gov.au))

Under subsection 189 of the Fair Work (Registered Organisations) Act 2009, please arrange for the conduct of the following election by the Australian Electoral Commission:

**E No 2010/2653**

**RE: AUSTRALIAN RAIL, TRAM AND BUS INDUSTRY UNION  
(WA BRANCH)**

Positions:

See Decision. The relevant rules are those certified on 10 September 2010 in matter R2010/84.

Contact: Australian Rail, Tram and Bus Industry Union  
Allan Barden, National Secretary

Phone: (02) 9310 3966

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](mailto:industrial.elections@air.gov.au)

Stephen Kellett  
for General Manager, Fair Work Australia  
16 September 2010

**KELLETT, Stephen**

14

**Subject:** FW: Attention Simon Bulloch - FW: Amended Prescribed Information for RTBU West Australian Offices and Positions [SEC=UNCLASSIFIED]  
**Attachments:** E2010 2653 FWA Decision (signed 160910).rtf; R2010 84 Rule Alteration Certificate ARTBIU (signed 100910).rtf; 139V\_Rulebook R2010 84 (100910).doc

**From:** KELLETT, Stephen  
**Sent:** Thursday, 16 September 2010 1:33 PM  
**To:** 'Simon Bulloch'  
**Subject:** RE: Attention Simon Bulloch - FW: Amended Prescribed Information for RTBU West Australian Offices and Positions [SEC=UNCLASSIFIED]

Dear Simon,

Please see attached the Election Decision just now signed.

I also attach a Word version copy of the rules certified 10 September 2010.

The delay was due to my seeking final advice from the Union in respect of a couple of the positions prescribed by the rules. For your information, I queried the wording in the new rules regarding the Assistant Manager, PTA Section (q.v.) and the Branch Assistant Manager. On the basis of the advice I received this morning I was satisfied that the intention of the Union was that the two offices were to be held by the same person and prepared the Election Decision accordingly. I'll forward separately to you, for your own file and background, the email I sent a short while ago to Allan Barden, National Secretary, in response to the advice sent by the ARTBIU Counsel, Jim Nolan.

If you have any queries please don't hesitate to contact me by email or on 0429 462 979 or 02 6723 7097 at any time.

Yours sincerely

Stephen Kellett  
Organisations and Research  
Fair Work Australia  
80 William Street  
EAST SYDNEY NSW 2011  
(email) [stephen.kellett@fwa.gov.au](mailto:stephen.kellett@fwa.gov.au)

**From:** KELLETT, Stephen  
**Sent:** Thursday, 16 September 2010 11:05 AM  
**To:** 'Allan Barden'  
**Cc:** 'Katheryn Presdee'  
**Subject:** RE: Registrar's questions

Dear Allan,

I note the advice provided by Mr Jim Nolan that :-

- (1) it was "never the intention to create two Assistant Secretary positions in the Branch",
- (2) the context and reference to rule 181(3) "makes it clear that this position..." (i.e. the Branch Assistant Secretary) "can only be the Assistant Secretary (PTA Section)
- (3) there is no conflict between rule 181(3) and rule 48(3) because of the effect of rule 172 which takes precedence over any contrary provisions of Part VI.
- (4) based on the reported numbers there is "no need for any election for the position(s) of additional Sub-Branch Representative to Branch Council".

I appreciate that, as Mr Nolan points out, the amendments were intended to facilitate the obtaining of a section 71 certificate and accordingly the Branch Assistant Secretary office was designed to be dedicated to the membership of the state registered union, namely those employed by the PTA. For this reason, I do consider that some simple amendment to rule 181(3) would make the rules reflect more clearly the Union's intent and interpretation. For example, I suggest the addition of words similar to the following to rule 181(3): "The Assistant Secretary (PTA Section) will be the Branch Assistant Secretary."

Again thank you for the clarifications. I will proceed with the finalisation of the election decision to reflect Mr Nolan's advice.

Yours sincerely

Stephen Kellett  
Organisations and Research  
Fair Work Australia  
80 William Street  
EAST SYDNEY NSW 2011  
(ph) 0429 462 979  
Email [stephen.kellett@fwa.gov.au](mailto:stephen.kellett@fwa.gov.au)

**KELLETT, Stephen**

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12

**From:** Allan Barden [abarden@rtbu-nat.asn.au]  
**Sent:** Thursday, 16 September 2010 8:09 AM  
**To:** KELLETT, Stephen  
**Subject:** : Registrar's questions  
**Attachments:** FEd Rules Advice RTBU SEp 15.pdf; ATT07960.htm

Stephen,

As per our discussion, I have attached a response to your queries on the West Australian Branch Specific provisions that has been drawn up by our Counsel who had drafted the actual WA rule changes.

Don't hesitate to call me on my mobile, (0418631604) as I am at meetings all day if you have any further queries. If needs be I can have Counsel call you in order to answer any further questions.

Regards,

*Allan Barden*

National Secretary

Australian Rail, Tram and Bus Industry Union (RTBU)

**Tel:** +61 2 9310 3966

**Fax:** +61 2 9319 2096

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## RTBU - Western Australian Branch - Rules Queries

[1] I have been requested by the RTBU to provide a response to questions posed by the Industrial Registrar about amendments made to the RTBU rules, in particular, to aspects of the news rules for the Western Australian Branch.

[2] The first of these questions relates to the position of Branch Assistant Secretary. As the Registrar observes, new rule 182(1) establishes a new Branch Council position, that of “Branch Assistant Secretary”. The list of prescribed offices for election includes “Branch Assistant Secretary” and states that the electorate is the “Whole Branch membership within the Passenger Rail Section”. This is a reference to the PTA Section.

[3] Rule 182(1) does not itself define the electorate for this position. The registrar suggests that the only basis that he can see for indicating that the electorate for the “Branch Assistant Secretary” is the membership of the PTA Section, is to be found in rule 181(3) which refers to “an Assistant Secretary (PTA Section) (to be elected by and from the members employed by the PTA)”. The Registrar suggests that is not however clear that this “PTA” Assistant Secretary is identical to the “Branch Assistant Secretary” referred to in rule 182(1). For a start, the word “Branch” is missing; secondly, it is mentioned in the context of a rule that deals with “Sectional Executives”; thirdly, it is not included in the ex officio positions of “Branch Secretary, Branch President and Branch Vice-President” mentioned in 181(2).

[4] It is suggested that the problem this causes is that if the “Assistant Secretary (PTA Section)(to be elected by and from the members employed by the PTA)” in 181(3) is the same as the “Branch Assistant Secretary” in 182(1), then it appears to contradict rule 48 (3) which says that Branch Assistant Secretaries are to be elected by all the members of the Branch, except in Tasmania and Victoria.

[5] Whilst the Registrar’s comments are well made, I do not think that the problem identified is as significant as suggested. No doubt that the rule could have been more clearly expressed, but the intention was definitely to create a special position of an Assistant Secretary which would be dedicated to members employed by the Western Australian Public Transport Authority - and elected by and from members in that

authority. This is important because the membership of the state registered union is confined to employees employees in or in connection with the Public Transport Authority. Amendments to the Western Australian branch rules and the structure of the branch are intended to facilitate the obtaining of a 'section 71' certificate under the Western Australian Industrial Relations Act to allow counterpart status for the purposes of elections, the holding offices etc. This is a significant issue for the RTBU since an unintended) divergence of state and federally registered organisations may lead to substantial dispute about property and assets.

[6] I would reject the suggestion that there is any conflict with Rule 48. First, I would draw attention to Rule 172 which states expressly that the part of the rules which deals with the Western Australian Branch takes precedence over any contrary provision in the general rules. Rule 172 provides:

*172 - APPLICATION*

*This part applies specifically to the West Australian Branch of the Australian Rail, Tram and Bus Industry Union. The provisions of this Part take precedence over any contrary provisions in Part VI of these Rules other than Rules 45 and 46.*

I note that Rules 45 and 46 are not relevant to this issue.

[7] The Registrar has referred to Rules 181 and 182 (1) & (2). Rule 181 provides:-

*181 - SECTIONAL EXECUTIVES*

*(1) There shall be a Sectional Executive which shall have primary responsibility for the conduct and control of industrial affairs of the members in the Section.*

*(2) The Sectional Executive shall consist of representatives of the Sectional sub-branches, and the Branch Secretary, the Branch President and the Branch Vice-President (ex officio).*

*(3) The PTA Sectional Executive shall consist of the Branch Secretary, the Branch President and the Branch Vice-President, an Assistant Secretary (PTA Section) (to be*

*elected by and from the members employed by the PTA) and one representative from each sub-branch within the section.*

[8] I suggest that the design of the rule conveys a clear intention to create an Assistant Secretary position which is exclusive to the PTA membership [Assistant Secretary (PTA Section)]. The words ‘to be elected by and from the members employed by the PTA’ make it clear - and remove any doubt - that the intention of the rule is to confine this position to PTA members. I cannot see how any other construction of this rule is possible. Perhaps on reflection, the indefinite article should not have been used and the definite article substituted. However, I do not think that this is of such significance to alter the meaning to be taken from the context. Note however, that Rule 182(1) employs the definite article.

[9] In my submission, the rules providing for the Western Australian Branch make it clear that there is only one Assistant Secretary position [See Rule 187]. It follows that that one position can only be construed as the Assistant Secretary [PTA] position. The same conclusion can be derived from Rules 182(1) which uses the definite article - i.e. ‘the Branch President, Branch Vice-President, Branch Secretary, Branch Assistant Secretary’. The context and plain meaning requires this phrase to be read as ‘*the* Branch President, *the* Branch Vice-President, *the* Branch Secretary, *the* Branch Assistant Secretary’.

[10] Rule 182(3)(b) confirms this reading. It says - “*Each* of the Branch President, Branch Vice President, Branch Secretary and Branch Assistant Secretary shall be entitled to exercise a vote ...”. Once again, the phrase can only be read as referring to a single position in the case of each office. It is unambiguous that there is only one Branch President, Branch Vice President, and Branch Secretary and, it follows from the context and the words of the rule only one Branch Assistant Secretary. Reference to Rule 181(3) makes it clear that this position can only be the Assistant Secretary (PTA Section).

[11] The second question is how additional sub-branch representatives in the Western Australian Branch are selected for the Branch Council. The Registrar notes that new rule 182(2) provides for each sub-branch to have a representative or additional representative on the Branch Council, depending on their numbers. Where a Sub-



Branch has between 300-600 members, it has one representative, and that is the Sub-Branch Secretary ex officio. However where a Sub-Branch has more than 600 members, it is entitled to an additional representative.

[12] The Registrar asks 'How is this additional representative chosen? (By collegiate election by and from amongst the particular Sub-Branch Committee?)'. He states that, based on the numbers provided by the RTBU on 18/8/10, it seems likely that if no Sub-Branch has more than 600 members, this question would be academic for the purposes of this particular election. But he would like to be confident that the Branch does *not* require a collegiate election for the "additional representative" of any Sub-Branch.

[13] I agree that in the light of the information as to sectional numbers, the issue is academic for present purposes. However, my view was that any election for this additional sectional representative would be by and from the members of the Sub-Branch - that it would *not* be a collegiate election, but a direct election. I understood that this would have to be the case under the RO Act.

[14] I believe that this advice answers the questions posed by the Registrar. I emphasise that there was never any intention to create two Assistant Secretary positions in the Branch. Finally, from the reported numbers there would appear to be no need for any election (however conducted) for the position(s) of additional Sub-Branch Representative to Branch Council.

**Jim Nolan**

Thursday, 16 September 2010.

Denman Chambers,

7/185 Elizabeth Street, Sydney NSW 2000.

(02) 92646899

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**KELLETT, Stephen**

//

**From:** Allan Barden [abarden@rtbu-nat.asn.au]  
**Sent:** Friday, 10 September 2010 12:03 PM  
**To:** KELLETT, Stephen  
**Subject:** RE: Draft election decision based on yesterday's discussions

Stephen,

No problems with this decision.  
I am getting feedback on your queries and will respond as soon as possible.

Regards,  
*Allan Barden*  
National Secretary  
Australian Rail, Tram and Bus Industry Union (RTBU)

**Tel:** +61 2 9310 3966  
**Fax:** +61 2 9319 2096

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**From:** KELLETT, Stephen [mailto:stephen.KELLETT@fwa.gov.au]  
**Sent:** Friday, 10 September 2010 9:31 AM  
**To:** Allan Barden  
**Subject:** Draft election decision based on yesterday's discussions

Dear Allan

Here is the draft election decision for your checking.

Regards

Stephen

Please consider the impact to the environment and your responsibility before printing this email.

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**From:** KELLETT, Stephen  
**Sent:** Friday, 10 September 2010 9:17 AM  
**To:** 'Allan Barden'  
**Subject:** RE: Final queries on offices to be elected

Dear Allan,

I expect the rule changes to be certified today. In the meantime, I have prepared an election decision based on the amended prescribed list of offices received yesterday. I wonder if you can glance over it and indicate whether you agree it reflects our discussions so far.

I have a couple of final questions.

(1) the question of the electorate of the Branch Assistant Secretary

I see that new rule 182(1) establishes a new Branch Council position, that of "Branch Assistant Secretary". Your list of prescribed offices for election includes "Branch Assistant Secretary" and states that the electorate is the "Whole Branch membership within the Passenger Rail Section". [ I read this reference, which I overlooked yesterday, as being a reference to the PTA Section.]

Now rule 182(1) does not itself define the electorate for this position, let alone a restricted sectional one. The only basis I can see for indicating that the electorate for the "Branch Assistant Secretary" is the membership of the PTA Section, is to be found in rule 181(3) which refers to "an Assistant Secretary (PTA Section) (to be elected by and from the members employed by the PTA)".

It is not however perfectly straightforward that this "PTA" Assistant Secretary is identical with the "Branch Assistant Secretary" referred to in rule 182(1). For a start, the word "Branch" is missing; secondly, it is mentioned in the context of a rule that deals with "Sectional Executives"; thirdly, it is not included in the ex officio positions of "Branch Secretary, Branch President and Branch Vice-President" mentioned in 181(2).

The problem this causes is that if the "Assistant Secretary (PTA Section)(to be elected by and from the members employed by the PTA)" in 181(3) is the same as the "Branch Assistant Secretary" in 182(1), then it appears to contradict rule 48(3) which says that Branch Assistant Secretaries are to be elected by all the members of the Branch, except in Tasmania and Victoria.

(2) the question of how additional sub-branch representatives are selected for the Branch Council

I see that new rule 182(2) provides for each sub-branch to have a representative or additional representative on the Branch Council, depending on their numbers. Where a Sub-Branch has between 300-600 members, I understand its representative is only one, and that is the Sub-Branch Secretary ex officio. But where a Sub-Branch has more than 600, I understand it is entitled to an additional representative. How is this additional representative chosen? (By collegiate election by and from amongst the particular Sub-Branch Committee?)

Now, based on the numbers provided by Kathryn on 18/8/10, it seems likely that if no Sub-Branch has more than 600 members, this question would be academic for the purposes of this particular election. But I would like to be confident that the Branch does not require any such collegiate election for the "additional representative" of any Sub-Branch.

Your advice

Allan, can you give me your comments and advice on these two matters:

- (1a) whether it was the intention of the Branch that the PTA Assistant Secretary be ex officio the Branch Assistant Secretary?
- (1b) whether you think a combined reading of rule 181(3) and 182(1) will be sufficiently clear to satisfy a Returning Officer that this is the case?
- (1c) what you think the effect of rule 48(3) is in this case?

If the intention was that the two offices be separately elected, an amendment to the Prescribed list of offices for election will be necessary.

(2) are you satisfied that no other office such as additional Sub-Branch Representative to Branch Council is required to be elected?

Please do not hesitate to contact me on 042 462 979 if you wish to discuss before providing email advice.

Regards

Stephen Kellett  
Fair Work Australia  
80 William Street  
EAST SYDNEY NSW 2011  
(ph) 0429 462 979

**KELLETT, Stephen**

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9

**From:** Allan Barden [abarden@rtbu-nat.asn.au]  
**Sent:** Thursday, 9 September 2010 4:15 PM  
**To:** KELLETT, Stephen  
**Subject:** Amended Prescribed Information for RTBU West Australian Offices and Positions  
**Attachments:** List of Offices 2010.doc

To Mr Stephen Kellett  
Fair Work Australia,

As per our discussions on the above subject, please find attached the amended Prescribed Information for the RTBU West Australian Branch Offices and Positions.

I would also like to state that the union's intent and interpretation of sub-rule 180(3) is that it is to be read in the same way as 180(2), to the effect that the Interstate Section shall be organised into metropolitan and regional sub branches if determined by the Branch Council

Regards,

*Allan Barden*

National Secretary  
Australian Rail, Tram and Bus Industry Union (RTBU)

**Tel:** +61 2 9310 3966

**Fax:** +61 2 9319 2096

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**Branch Offices**

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**Western Australian Branch**

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<b>Branch President</b>	Honorary position	2 year term	1
Electorate <i>Whole Branch Membership</i>			

<b>Branch Vice President</b>	Honorary position	2 year term	1
Electorate <i>Whole Branch Membership</i>			

<b>Branch Secretary</b>	Full time paid position	4 year term	1
Electorate <i>Whole Branch Membership</i>			

<b>Branch Assistant Secretary</b>	Full time paid position	4 year term	1
Electorate <i>Whole Branch Membership within the Passenger Rail Section</i>			

<b>Affirmative Action</b>	Honorary position	2 year term	1
Electorate <i>Whole Branch Membership</i>			

Eligibility

*A candidate for the position of Affirmative Action must be of female gender and be a financial member of the Union on the date on which nominations open.*

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**Branch Sections**

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**Intrastate Section – ARG**

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**Goldfields Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary position	2 year term	7

Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch which encompasses Kalgoorlie and Esperance, and be employed by ARG on the date on which nominations open.*

### **Metro Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch which encompasses Kwinana and Forrestfield, and be employed by ARG on the date on which nominations open.*

### **Midwest Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch which encompasses Narngulu, and be employed by ARG, on the date on which nominations open.*

### **Southwest Sub Branch**

Branch President	Honorary position	2 year term	1
Branch Vice President	Honorary position	2 year term	1
Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch which encompasses Picton and Collie, and be employed by ARG on the date on which nominations open.*

### **Wheatbelt Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch which encompasses Northam, Merredin, Wagin and Collie, and be employed by ARG on the date on which nominations open.*

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### **Interstate Section – Pacific National and SCT**

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#### **Metropolitan Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch which encompasses Forrestfield, and Kewdale, and be employed by Pacific National or SCT on the date on which nominations open.*

#### **Regional Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch which encompasses Merredin and Kalgoorlie, and be employed by Pacific National or SCT on the date on which nominations open.*

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### **Infrastructure Section – John Holland and Westnet Rail**

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#### **John Holland Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch, and be employed by John Holland on the date on which nominations open.*



### **Westnet Rail Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch, and be employed by Westnet Rail on the date on which nominations open.*

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### **PTA Section**

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### **Security Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch encompassing Transit Officers and CMR Operators and be employed by the Public Transport Authority on the date on which nominations open.*

### **Urban Rail Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch, encompassing Urban Railcar Drivers, Driver Trainers, Driver Coordinators and Trainee Railcar Drivers and be employed by the Public Transport Authority on the date on which nominations open.*

### **Customer Relations Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1

Committee Members	Honorary positions	2 year term	7
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Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch, encompassing Customer Service Assistants, Passenger Ticketing Assistants, Car Park Attendants and be employed by the Public Transport Authority on the date on which nominations open.*

**Transwa Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch, encompassing Railcar Drivers and Road Coach Operators, On Train Staff and Operational Staff, and be employed by Transwa on the date on which nominations open.*

**Delron/Goldfields Bus Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch, encompassing On Train Staff, Operational Staff and Bus Drivers and be employed by Delron or Goldfields Bus on the date on which nominations open.*

**Miscellaneous Employees Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch, encompassing Infrastructure Workers, Surplus Employees and be employed by The Public Transport Authority on the date on which nominations open.*

**Divisional Delegates to National Council**

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National Infrastructure Division (1)

National Rail Operations Division (1)

National Locomotive Division (1)

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**From:** KELLETT, Stephen  
**Sent:** Thursday, 9 September 2010 11:30 AM  
**To:** 'Allan Barden'  
**Subject:** amendments to PI

Dear Allan

Just to confirm our discussions, I understand you'll be lodging an amended PI with the following variations:

In place of "Passenger Rail Section – PTA" - "PTA Section"

In place of "Country Passenger" Sub Branch – a "TransWA" Sub-Branch, and a "Delron & Goldfields Buses" Sub-Branch

In place of "Infrastructure" Sub-Branch – a "John Holland" Sub-Branch and a "Westnet Rail" Sub-Branch"

I also understand your covering letter will confirm the union's intent and interpretation of sub-rule 180(3) that it is to be read in the same way as 180(2), to the effect that the Interstate Section shall be organised into metropolitan and regional sub branches if determined by the Branch Council.

Yours sincerely

Stephen Kellett  
Fair Work Australia  
80 William Street  
EAST SYDNEY NSW 2011  
(ph) 0429 462 97

[www.fwa.gov.au](http://www.fwa.gov.au)

**KELLETT, Stephen**

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7

**From:** KELLETT, Stephen  
**Sent:** Wednesday, 8 September 2010 4:12 PM  
**To:** 'Katheryn Presdee'  
**Subject:** RE: s 189 for West Australian Branch RTBU offices and positions

Kathryn,

Sorry. Just looking at the rules again. New rule 180(1) does not make TransWA, Delron and Goldfields into three sub-branches: it does make them two however – “TransWA” and “Delron & Goldfields”.

Thought I should correct my earlier query.

Regards

Stephen Kellett  
Fair Work Australia  
(ph) 0429 462 979

---

**From:** Katheryn Presdee [mailto:KPresdee@rtbu-nat.asn.au]  
**Sent:** Wednesday, 8 September 2010 4:02 PM  
**To:** KELLETT, Stephen  
**Subject:** RE: s 189 for West Australian Branch RTBU offices and positions

Stephen

I'll get some input from WA and let you know asap.

Thanks

Kathryn

*Kathryn Presdee*  
Kathryn Presdee  
National Legal Officer  
Phone: (02) 9310 3966  
Fax: (02) 9319 2096  
[kpresdee@rtbu-nat.asn.au](mailto:kpresdee@rtbu-nat.asn.au)  
(Monday - Wednesday)

**KELLETT, Stephen**

7

**Subject:** FW: s 189 for West Australian Branch RTBU offices and positions

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**From:** KELLETT, Stephen  
**Sent:** Wednesday, 8 September 2010 3:46 PM  
**To:** 'Katheryn Presdee'  
**Cc:** 'Allan Barden'  
**Subject:** RE: s 189 for West Australian Branch RTBU offices and positions

Dear Kathryn,

I haven't had the rule alterations certified yet and am still waiting on the decision by the General Manager.

However, in the meantime I am preparing the Elections Decision.

I have the following queries arising from the amended PI you sent yesterday.

1. On page 4, the heading "Passenger Rail Section – PTA" does not correspond to the name "PTA Section" in the alterations to rule 173, 178, 180, and 181. If the rules are certified, I will have to describe the positions as belonging to the "PTA Section". Does that reflect the organisation's understanding?
2. On page 5, the name "Country Passenger Sub-Branch" does not correspond to any of the specified Sub-Branched in new rule 180(1). I see from the Eligibility condition that it relates to employees from "TransWA, Goldfields and Delron Buses". However, rule 180(1) does not have the effect of conflating these three employers into a single Sub-Branch under the name "Country Passenger". It distinctly provides for three separately named sub-branches. Is this an inadvertent error?

If you could clarify these points I would appreciate that.

Yours sincerely

Stephen Kellett  
Fair Work Australia  
(ph) 0429 462 979

## KELLETT, Stephen

---

**From:** Allan Barden [abarden@rtbu-nat.asn.au]  
**Sent:** Thursday, 9 September 2010 12:43 PM  
**To:** KELLETT, Stephen  
**Subject:** FW: RTBU elections - WA Branch specific positions  
**Attachments:** Letter to AEC.pdf

Regards,

*Allan Barden*

National Secretary  
Australian Rail, Tram and Bus Industry Union (RTBU)

**Tel:** +61 2 9310 3966  
**Fax:** +61 2 9319 2096

*This document and any following pages may contain personal information and is intended solely for the named addressee. It is confidential and may be subject to legal or other professional privilege. Views or opinions contained in this document are those of the individual sender and are not necessarily the opinions of the R.T.B.U. Any confidentiality or privilege is not waived or lost because this document has been sent to you by mistake. The copying or distribution of this document or any information in it by anyone other than the addressee is prohibited. If you have received this document in error please let the sender know by telephone (02 9310 3966) and then destroy the email and attachments. Any personal information in this document must be handled in accordance with the Privacy Act 1988(Cth).*

*Whilst we have virus scanning software devices on our computers we do not represent that this communication is free from all viruses or defects. It is the responsibility of the person opening any files attached to this communication to scan those files for computer viruses.*

**From:** Kathryn Presdee  
**Sent:** Tuesday, 7 September 2010 12:12 PM  
**To:** lee.jones@aec.gov.au  
**Cc:** KELLETT, Stephen; Allan Barden  
**Subject:** RTBU elections - WA Branch specific positions

Lee

Please find attached a letter from Allan Barden regarding the elections for offices and positions in the West Australian Branch of the Australian Rail, Tram and Bus Industry Union.

The relevant information regarding the request to hold an election and the certification of the Rule Changes for the West Australian Branch (which is why this is separate from the other National and Branch offices and positions) has been forwarded to Fair Work Australia. A copy of this information will be sent to you shortly.

Please contact either myself or Allan Barden on 02 9310 3966 if you have any queries.

Regards

Kathryn

*Kathryn Presdee*  
Kathryn Presdee  
National Legal Officer  
Phone: (02) 9310 3966  
Fax: (02) 9319 2096  
[kpresdee@rtbu-nat.asn.au](mailto:kpresdee@rtbu-nat.asn.au)



# RAIL, TRAM & BUS UNION

## AUSTRALIAN RAIL, TRAM & BUS INDUSTRY UNION

ABN 28 921 128 419

NATIONAL OFFICE: 83-89 Renwick Street, REDFERN NSW 2016

Phone: (02) 9310 3966

Fax: (02) 9319 2096

Email: [rtbu@rtbu-nat.asn.au](mailto:rtbu@rtbu-nat.asn.au)

web: [www.rtbu-nat.asn.au](http://www.rtbu-nat.asn.au)

Mr Lee Jones  
Senior Returning Officer  
Australian Electoral Commission  
PO Box 496  
HAYMARKET NSW 1239

Dear Mr Jones

### Election of Offices and Positions for the Australian Rail, Tram and Bus Industry Union.

In accordance with Section 187 of the *Fair Work (Registered Organisations) Act 2009*, I am requesting that you arrange for the conduct of the election of offices and positions for the Australian Rail, Tram and Bus Industry Union (RTBU) for offices and positions in the West Australian Branch.

The West Australian Branch Council has approved a number of rule changes which have been endorsed by the RTBU National Council. Once these changes have been certified by Fair Work Australia, elections will be able to be held for the new positions.

I have requested that the General Manager of Fair Work Australia arrange for an election to be conducted, and I have provided him with a copy of the prescribed information as required by Regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009*.

Please contact me on (02) 9310 3966 or by email [abarden@rtbu-nat.asn.au](mailto:abarden@rtbu-nat.asn.au) if you have any queries.

Yours Sincerely,

Allan Barden  
National Secretary

Cc: Stephen Kellett, General Manager, Fair Work Australia



**KELLETT, Stephen**

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6

**From:** Industrial Elections [mailto:industrial.elections@aec.gov.au]

**Sent:** Thursday, 9 September 2010 11:36 AM

**To:** KELLETT, Stephen

**Subject:** RE: s 189 for West Australian Branch RTBU offices and positions [SEC=UNCLASSIFIED]

UNCLASSIFIED

Stephen,

Thank you.

**Regards,**

**Simon**

**Simon Bulloch | Manager Election Services**

State Office | Western Australia

Australian Electoral Commission

T: 08 6363 8011 | M: 0413 006 210 | F: 08 6363 8052

UNCLASSIFIED

**KELLETT, Stephen**

5

**From:** KELLETT, Stephen  
**Sent:** Wednesday, 8 September 2010 4:29 PM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** FW: s 189 for West Australian Branch RTBU offices and positions  
**Attachments:** s189 statement 070910.pdf; List of Offices 2010 (4).docx; Special BRANCH COUNCIL 3rd August 2010 - Timetable change.pdf

To the Returning Officer

Please find attached information lodged under s189 of the Fair Work (Registered Organisations) Act 2009 in relation to an election for offices in the WA Branch of the ARTBIU.

Please note, that I am currently seeking further information from the Union in respect of some of the details lodged, and that the details of this attached prescribed information reflects recent rule alterations currently before the General Manager for certification.

I will advise you further as to progress.

Yours sincerely

Stephen Kellett  
Fair Work Australia  
80 William Street  
EAST SYDNEY NSW 2011  
(ph) 0429 462 979  
(email) [stephen.kellett@fwa.gov.au](mailto:stephen.kellett@fwa.gov.au)

[www.fwa.gov.au](http://www.fwa.gov.au)

---

**From:** Katheryn Presdee [mailto:KPresdee@rtbu-nat.asn.au]  
**Sent:** Tuesday, 7 September 2010 12:07 PM  
**To:** KELLETT, Stephen  
**Subject:** s 189 for West Australian Branch RTBU offices and positions

Stephen

As discussed, please find an amended S 189 statement (and attachments) regarding the West Australian offices and positions.

Regards

Kathryn

*Kathryn Presdee*  
Kathryn Presdee  
National Legal Officer  
Phone: (02) 9310 3966  
Fax: (02) 9319 2096  
[kpresdee@rtbu-nat.asn.au](mailto:kpresdee@rtbu-nat.asn.au)  
(Monday - Wednesday)

**KELLETT, Stephen**

---

4

**From:** Katheryn Presdee [KPresdee@rtbu-nat.asn.au]  
**Sent:** Tuesday, 7 September 2010 12:07 PM  
**To:** KELLETT, Stephen  
**Subject:** s 189 for West Australian Branch RTBU offices and positions  
**Attachments:** s189 statement 070910.pdf; List of Offices 2010 (4).docx; Special BRANCH COUNCIL 3rd August 2010 - Timetable change.pdf

Stephen

As discussed, please find an amended S 189 statement (and attachments) regarding the West Australian offices and positions.

Regards

Kathryn

*Kathryn Presdee*

Kathryn Presdee

National Legal Officer

Phone: (02) 9310 3966

Fax: (02) 9319 2096

[kpresdee@rtbu-nat.asn.au](mailto:kpresdee@rtbu-nat.asn.au)

(Monday - Wednesday)

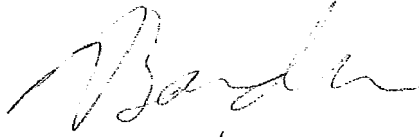
AMENDED STATEMENT /APPLICATION FOR ELECTION UNDER s189

I, Allan Barden, National Secretary of the Australian Rail, Tram and Bus Industry Union (RTBU), request the General Manager, FWA, to arrange for the conduct of an election by the AEC for offices and positions in the West Australian Branch. The prescribed information in accordance with regulation 138 is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 and is set out below.

1. The name of each office or position for which an election is required is set out in the Attachment to this statement.
2. The reason for the election is that the terms of the offices or positions have expired or have been created as a result of a Rule Change passed by the West Australian Branch Council on 3 August 2010 which will enable the Branch and the state registered union to be treated as "counterpart" unions under the *Industrial Relations Act (WA) 1979*. These changes have been endorsed by the RTBU National Council on 6 September 2010;
3. The numbers of those offices or positions where more than one is required to be elected are set out in the Attachment to this statement.
4. The electorates for each office or position are those set out in Attachments to this statement and as per the rules, being members of the relevant branch, section, or Sub-Branch.
5. The date and time of the beginning and end of the period in which nominations of candidates may be made is 9:00 am on Wednesday 29 September 2010 and 5:00 pm on Wednesday 13 October 2010 respectively. This timetable has been varied by that set out in Rule 71 of the RTBU by the West Australian Branch Council, in accordance with the provisions of Rule 71 that the timetable for elections may be varied in exceptional circumstances. The exceptional circumstances are that Rule Changes proposed concerning the structure of the West Australian Branch and its positions and offices for which elections must be held will not be able to be endorsed by National Council prior to the date on the rules call for the opening of nominations. A copy of the minutes of the West Australian Branch Council meeting is attached. Nominations must be called by the Returning Officer three weeks before nominations open.
6. The day provided for in the rules as the day on which the roll of voters is to be closed is seven (7) days before the day nominations open.
7. The kind of voting system to be used is a Direct Voting system or as otherwise indicated in the Attachments to this statement.

I am an officer of the organisation authorised to make and sign the above statement.

Signed

A handwritten signature in cursive script, appearing to read "Barker".

Dated

7-9-10

## RAIL TRAM & BUS ELECTIONS 2010

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### Branch Offices

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#### Western Australian Branch

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<b>Branch President</b> Electorate <i>Whole Branch Membership</i>	Honorary position	2 year term	1
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<b>Branch Vice President</b> Electorate <i>Whole Branch Membership</i>	Honorary position	2 year term	1
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<b>Branch Secretary</b> Electorate <i>Whole Branch Membership</i>	Full time paid position	4 year term	1
---	-------------------------	-------------	---

<b>Branch Assistant Secretary</b> Electorate <i>Whole Branch Membership within the Passenger Rail Section</i>	Full time paid position	4 year term	1
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<b>Affirmative Action</b> Electorate <i>Whole Branch Membership</i>	Honorary position	2 year term	1
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#### Eligibility

*A candidate for the position of Affirmative Action must be of female gender and be a financial member of the Union on the date on which nominations open.*

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### Branch Sections

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#### Intrastate Section – ARG

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##### Goldfields Sub Branch

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary position	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch which encompasses Kalgoorlie and Esperance, and be employed by ARG on the date on which nominations open.*

### **Metro Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch which encompasses Kwinana and Forrestfield, and be employed by ARG on the date on which nominations open.*

### **Midwest Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch which encompasses Narngulu, and be employed by ARG, on the date on which nominations open.*

### **Southwest Sub Branch**

Branch President	Honorary position	2 year term	1
Branch Vice President	Honorary position	2 year term	1
Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch which encompasses Picton and Collie, and be employed by ARG on the date on which nominations open.*

### **Wheatbelt Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch which encompasses Northam, Merredin, Wagin and Collie, and be employed by ARG on the date on which nominations open.*

---

### **Interstate Section – Pacific National and SCT**

---

#### **Metropolitan Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch which encompasses Forrestfield, and Kewdale, and be employed by Pacific National or SCT on the date on which nominations open.*

#### **Regional Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch which encompasses Merredin and Kalgoorlie, and be employed by Pacific National or SCT on the date on which nominations open.*

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### **Infrastructure Section – John Holland and Westnet Rail**

---

#### **Infrastructure Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch, and be employed by John Holland or Westnet Rail on the date on which nominations open.*



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## Passenger Rail Section – PTA

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### Security Sub Branch

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch encompassing Transit Officers and CMR Operators and be employed by the Public Transport Authority on the date on which nominations open.*

### Urban Rail Sub Branch

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch, encompassing Urban Railcar Drivers, Driver Trainers, Driver Coordinators and Trainee Railcar Drivers and be employed by the Public Transport Authority on the date on which nominations open.*

### Customer Relations Sub Branch

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch, encompassing Customer Service Assistants, Passenger Ticketing Assistants, Car Park Attendants and be employed by the Public Transport Authority on the date on which nominations open.*

### **Country Passenger Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch, encompassing Railcar Drivers, road Coach Operators, Bus Drivers, On Train Staff and Operational Staff and be employed by Transwa, Goldfields Bus or Delron on the date on which nominations open.*

### **Miscellaneous Employees Sub Branch**

Sub Branch President	Honorary position	2 year term	1
Sub Branch Vice President	Honorary position	2 year term	1
Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sub Branch, encompassing Infrastructure Workers, Surplus Employees and be employed by The Public Transport Authority on the date on which nominations open.*

---

### **Divisional Delegates to National Council**

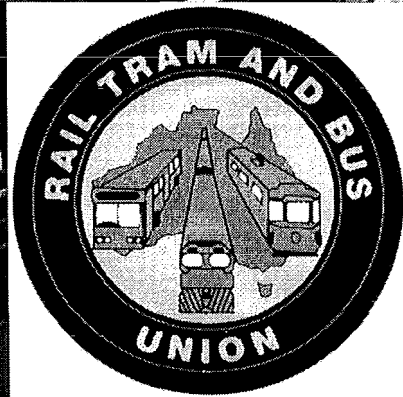
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National Infrastructure Division (1)

National Rail Operations Division (1)

National Locomotive Division (1)

**Special Branch Council Meeting  
Via Telephone Conference  
1330 Hrs Tuesday 3<sup>rd</sup> August 2010**



**AUSTRALIAN  
RAIL TRAM &  
BUS INDUSTRY  
UNION W.A.  
BRANCH**

# BRANCH COUNCIL

## Via Telephone Conference

### Tuesday 3<sup>rd</sup> August 2010

Commenced 1300 hrs

#### Attendance

John Miller  
Philip Woodcock

Branch President  
Branch Vice President  
Branch Secretary

#### Secretary of each of the following Sub Branches

Barry Normington	0409684583	Bunbury
Richard Tolman	92256722	Esperance
Peter Cooper	92256722	Forrestfield
Garry Adams	0409114300	Geraldton
Jayson Manners	0412900584	Kalgoorlie
Vacant		Kwinana
Ian King	0405021623	Merredin
Wayne Abel	92256722	Metropolitan
		Northam
		Perth
John Gillmore	0427330327	Wagin

#### Apologies

Michael Chance	Branch President	Working
Brian Curran	Sub Branch Secretary Forrestfield	Death in family
Jason Hopperton	Sub Branch Secretary Perth	Uncontactable

Philip Woodcock opened meeting 1330 hrs .

In accordance with the notice of motion distributed on 2 July 2010, we are meeting today to undertake a ballot of the Branch Council with respect to amendments to sections 172 to 182 of the National Rules of the ARTBIU.

As you are aware, the proposed new branch rules are designed to provide for a branch structure which will complement the state registered union and permit the branch and state union to be treated as 'counterpart' unions under the WA state based industrial relations legislation. These changes are intended to overcome difficulties encountered since the WA IRC identified that the Branch did not have a 'section 71' certificate permitting the state and federal organisations to be operated conjointly.

**Motion 21/2010 Woodcock/Manners**

**In accordance with Rule 87 of the National (General) Rules of the ARTBIU, this Branch Council hereby approves of the changes to Rules 172, 173, 174, 175, 176, 177, 178, 179, 180, 181 and 182 of the Western Australian Branch specific provisions of the National Rules of the ARTBIU**

**Carried**

**Motion 22/2010 Woodcock/Gillmore**

**The Branch Secretary and National secretary make application for the purpose of the West Australian Branch elections for 2010 to FWA to amend rule 71 (1) (i) to read " nominations will open at 9.00am Wednesday 29<sup>th</sup> September 2010 and shall close at 5.00pm Wednesday 13<sup>th</sup> October 2010".**

**Carried**

**Meeting closed 1350hrs**

**KELLETT, Stephen**

---

**From:** Katheryn Presdee [KPresdee@rtbu-nat.asn.au]  
**Sent:** Tuesday, 7 September 2010 12:12 PM  
**To:** lee.jones@aec.gov.au  
**Cc:** KELLETT, Stephen; Allan Barden  
**Subject:** RTBU elections - WA Branch specific positions  
**Attachments:** Letter to AEC.pdf

Lee

Please find attached a letter from Allan Barden regarding the elections for offices and positions in the West Australian Branch of the Australian Rail, Tram and Bus Industry Union.

The relevant information regarding the request to hold an election and the certification of the Rule Changes for the West Australian Branch (which is why this is separate from the other National and Branch offices and positions) has been forwarded to Fair Work Australia. A copy of this information will be sent to you shortly.

Please contact either myself or Allan Barden on 02 9310 3966 if you have any queries.

Regards

Kathryn

*Kathryn Presdee*  
Kathryn Presdee  
National Legal Officer  
Phone: (02) 9310 3966  
Fax: (02) 9319 2096  
[kpresdee@rtbu-nat.asn.au](mailto:kpresdee@rtbu-nat.asn.au)  
(Monday - Wednesday)



# RAIL, TRAM & BUS UNION

## AUSTRALIAN RAIL, TRAM & BUS INDUSTRY UNION

ABN 28 921 128 419

NATIONAL OFFICE: 83-89 Renwick Street, REDFERN NSW 2016

Phone: (02) 9310 3966

Fax: (02) 9319 2096

Email: [rtbu@rtbu-nat.asn.au](mailto:rtbu@rtbu-nat.asn.au)

web: [www.rtbu-nat.asn.au](http://www.rtbu-nat.asn.au)

Mr Lee Jones  
Senior Returning Officer  
Australian Electoral Commission  
PO Box 496  
HAYMARKET NSW 1239

Dear Mr Jones

### Election of Offices and Positions for the Australian Rail, Tram and Bus Industry Union.

In accordance with Section 187 of the *Fair Work (Registered Organisations) Act 2009*, I am requesting that you arrange for the conduct of the election of offices and positions for the Australian Rail, Tram and Bus Industry Union (RTBU) for offices and positions in the West Australian Branch.

The West Australian Branch Council has approved a number of rule changes which have been endorsed by the RTBU National Council. Once these changes have been certified by Fair Work Australia, elections will be able to be held for the new positions.

I have requested that the General Manager of Fair Work Australia arrange for an election to be conducted, and I have provided him with a copy of the prescribed information as required by Regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009*.

Please contact me on (02) 9310 3966 or by email [abarden@rtbu-nat.asn.au](mailto:abarden@rtbu-nat.asn.au) if you have any queries.

Yours Sincerely,

Allan Barden  
National Secretary

Cc: Stephen Kellett, General Manager, Fair Work Australia

**KELLETT, Stephen**

---

**From:** Katheryn Presdee [KPresdee@rtbu-nat.asn.au] **Sent:** Wed 18/08/2010 2:23 PM  
**To:** KELLETT, Stephen  
**Cc:**  
**Subject:** FW: More election request - membership numbers  
**Attachments:**

Dear Stephen

Here are the figures for Western Australia.

Regards

Kathryn Presdee

*Kathryn Presdee*

Kathryn Presdee

National Legal Officer

Phone: (02) 9310 3966

Fax: (02) 9319 2096

kpresdee@rtbu-nat.asn.au

(Monday - Wednesday)

---

**From:** Carol Fiorentino [mailto:CarolF@rtbuwa.asn.au]  
**Sent:** Monday, August 16, 2010 7:01 PM  
**To:** Katheryn Presdee  
**Subject:** Re: More election request - membership numbers



Kathryn

Membership Figures - National Council


Locomotive 662

Operations 455

Infrastructure 181

Phil said he would talk to you tomorrow.


regards


 Carol Fiorentino

Office Manager

**RAIL TRAM & BUS UNION WA BRANCH**

 2/10 Nash Street PERTH WA 6000

 (08) 9225 6722 Fax : 62317 & 62434

 (08) 9225 6733

Email: [carolf@rtbuwa.asn.au](mailto:carolf@rtbuwa.asn.au)

The RTBU WA Branch cannot accept any liability for any loss or damage sustained as a result of software viruses. This Message is intended for the addressee named and may contain confidential information. If you are not the intended recipient please delete it and notify the sender immediately. You are hereby notified that any use, review, disclosure or copying of this information is strictly prohibited. Views expressed in this message are those of the individual sender, and are not necessarily the view of the Rail Tram and Bus Union, WA Branch.

EECE, Steve

1(a)

---

**From:** TEECE, Steve  
**Sent:** Friday, 13 August 2010 4:05 PM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** E2010/2653 ARTBIU Elections - WA BRanch Scheduled Elections  
**Attachments:** ARTBIU 139V\_R2010\_47 120710.doc; WA Branch Elections.pdf

Steve Teece  
Registered Organisations Branch

Fair Work Australia  
Level 8, Terrace Tower  
80 William Street  
East Sydney NSW 2011

Telephone: (02) 8374 6649  
Facsimile: (02) 9380 6990  
Email: [steve.teece@fwa.gov.au](mailto:steve.teece@fwa.gov.au)



# RAIL, TRAM & BUS UNION

## AUSTRALIAN RAIL, TRAM & BUS INDUSTRY UNION

ABN 28 921 128 419

NATIONAL OFFICE: 83-89 Renwick Street, REDFERN NSW 2016

Phone: (02) 9310 3966

Fax: (02) 9319 2096

Email: [rtbu@rtbu-nat.asn.au](mailto:rtbu@rtbu-nat.asn.au)

web: [www.rtbu-nat.asn.au](http://www.rtbu-nat.asn.au)

Mr Stephen Kellett  
The General Manager  
Fair Work Australia  
GPO Box 1994  
MELBOURNE VIC 3001

Dear Mr Kellett

### Election of Office-holders for the Australian Rail, Tram and Bus Industry Union.

In accordance with Section 189 of the *Fair Work (Registered Organisations) Act 2009*, I am requesting that you arrange for the conduct of the election of office-holders and positions for the West Australian Branch of the Australian Rail, Tram and Bus Industry Union (RTBU).

Please find attached a statement in accordance with Regulation 138 of the *Fair Work (Registered Organisations) Regulation 2009*, providing you with the prescribed information of the offices to be elected, the method of election (direct except where specified), the terms of office and whether the positions are paid or honorary.

As I mentioned in my letter to you of 9 August 2010, the West Australian Branch Council has passed a number of rule changes to vary the structure of the Branch, and consequently, the offices and positions for which elections must be called. A copy of the proposed rule changes is attached.

These Rule Changes were made in order for the structure of the West Australian branch to complement the state registered union, enabling them to be treated as "counterpart" unions under the Western Australian *Industrial Relations Act 1979*.

These Rule changes will be put to a meeting of National Council on 6 September 2010. I will notify Fair Work Australia of the outcome of the meeting as soon as possible.

Please contact me on (02) 9310 3966 if you have any further queries.

Yours Sincerely,

Allan Barden  
National Secretary

## STATEMENT /APPLICATION FOR ELECTION UNDER s189

I, Allan Barden, National Secretary of the Australian Rail, Tram and Bus Industry Union, request the General Manager, FWA, to arrange for the conduct of an election by the AEC for offices and positions in the West Australian Branch. The prescribed information in accordance with regulation 138 is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 and is set out below.

1. The name of each office or position for which an election is required is set out in the Attachments to this statement.
2. The reason for the election is that the terms of the offices or positions have expired or have been created as a result of a Rule Change passed by the West Australian Branch Council on 3 August 2010 which will enable the Branch and the state registered union to be treated as “counterpart” unions under the *Industrial Relations Act* (WA) 1979;
3. The numbers of those offices or positions where more than one is required to be elected are set out in the Attachments to this statement.
4. The electorates for each office or position are those set out in Attachments to this statement and as per the rules, being members of the relevant branch, sub-branches and divisions and sub-divisions.
5. The date and time of the beginning and end of the period in which nominations of candidates may be made is 9:00 am on Wednesday 29 September 2010 and 5:00 pm on Wednesday 13 October 2010 respectively. This timetable has been varied by that set out in Rule 71 of the RTBU by the West Australian Branch Council, in accordance with the provisions of Rule 71 that the timetable for elections may be varied in exceptional circumstances. The exceptional circumstances are that Rule Changes proposed concerning the structure of the West Australian Branch and its positions and offices for which elections must be held will not be able to be endorsed by National Council prior to the date on the rules call for the opening of nominations. A copy of the minutes of the West Australian Branch Council meeting is attached. Nominations must be called by the Returning Officer three weeks before nominations open.
6. The day provided for in the rules as the day on which the roll of voters is to be closed is seven (7) days before the day nominations open.
7. The kind of voting system to be used is a Direct Voting system or as otherwise indicated in the Attachments to this statement.

I am an officer of the organisation authorised to make and sign the above statement.

Signed 

Dated 12/8/2010

## RAIL TRAM & BUS ELECTIONS 2010

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### Branch Offices

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#### Western Australian Branch

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<b>Branch President</b> Electorate <i>Whole Branch Membership</i>	Honorary position	2 year term	1
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<b>Branch Vice President</b> Electorate <i>Whole Branch Membership</i>	Honorary position	2 year term	1
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<b>Branch Secretary</b> Electorate <i>Whole Branch Membership</i>	Full time paid position	4 year term	1
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<b>Branch Assistant Secretary</b> Electorate <i>Whole Branch Membership within the Passenger Rail Section</i>	Full time paid position	4 year term	1
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<b>Affirmative Action</b> Electorate <i>Whole Branch Membership</i>	Honorary position	2 year term	1
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#### Eligibility

*A candidate for the position of Affirmative Action must be of female gender and be a financial member of the Union on the date on which nominations open.*

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### Branch Sections

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#### Intrastate Section – ARG

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##### Goldfields Sectional Sub Branch

Sectional Sub Branch President	Honorary position	2 year term	1
Sectional Sub Branch Vice President	Honorary position	2 year term	1
Sectional Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary position	2 year term	7

#### Eligibility

*A candidate for a position of Sectional Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sectional Sub Branch which encompasses Kalgoorlie and Esperance, and be employed by ARG on the date on which nominations open.*

### **Metro Sectional Sub Branch**

Sectional Sub Branch President	Honorary position	2 year term	1
Sectional Sub Branch Vice President	Honorary position	2 year term	1
Sectional Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### **Eligibility**

*A candidate for a position of Sectional Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sectional Sub Branch which encompasses Kwinana and Forrestfield, and be employed by ARG on the date on which nominations open.*

### **Midwest Sectional Sub Branch**

Sectional Sub Branch President	Honorary position	2 year term	1
Sectional Sub Branch Vice President	Honorary position	2 year term	1
Sectional Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### **Eligibility**

*A candidate for a position of Sectional Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sectional Sub Branch which encompasses Narngulu, and be employed by ARG, on the date on which nominations open.*

### **Southwest Sectional Sub Branch**

Sectional Sub Branch President	Honorary position	2 year term	1
Sectional Sub Branch Vice President	Honorary position	2 year term	1
Sectional Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### **Eligibility**

*A candidate for a position of Sectional Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sectional Sub Branch which encompasses Picton, Collie and Albany, and be employed by ARG on the date on which nominations open.*

### **Wheatbelt Sectional Sub Branch**

Sectional Sub Branch President	Honorary position	2 year term	1
Sectional Sub Branch Vice President	Honorary position	2 year term	1
Sectional Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

### Eligibility

*A candidate for a position of Sectional Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sectional Sub Branch which encompasses Northam, Merredin and Wagin, and be employed by ARG on the date on which nominations open.*

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## **Interstate Section – Pacific National and SCT**

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### **Metropolitan Sectional Sub Branch**

Sectional Sub Branch President	Honorary position	2 year term	1
Sectional Sub Branch Vice President	Honorary position	2 year term	1
Sectional Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

### Eligibility

*A candidate for a position of Sectional Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sectional Sub Branch which encompasses Forrestfield, and Kewdale, and be employed by Pacific National or SCT on the date on which nominations open.*

### **Regional Sectional Sub Branch**

Sectional Sub Branch President	Honorary position	2 year term	1
Sectional Sub Branch Vice President	Honorary position	2 year term	1
Sectional Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

### Eligibility

*A candidate for a position of Sectional Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sectional Sub Branch which encompasses Merredin and Kalgoorlie, and be employed by Pacific National or SCT on the date on which nominations open.*

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## **Infrastructure Section – John Holland and Westnet Rail**

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### **Infrastructure Sectional Sub Branch**

Sectional Sub Branch President	Honorary position	2 year term	1
Sectional Sub Branch Vice President	Honorary position	2 year term	1
Sectional Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

### Eligibility

*A candidate for a position of Sectional Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sectional Sub Branch, and be employed by John Holland or Westnet Rail on the date on which nominations open.*



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## Passenger Rail Section – PTA

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### Security Sectional Sub Branch

Sectional Sub Branch President	Honorary position	2 year term	1
Sectional Sub Branch Vice President	Honorary position	2 year term	1
Sectional Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sectional Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sectional Sub Branch encompassing Transit Officers and CMR Operators and be employed by the Public Transport Authority on the date on which nominations open.*

### Urban Rail Sectional Sub Branch

Sectional Sub Branch President	Honorary position	2 year term	1
Sectional Sub Branch Vice President	Honorary position	2 year term	1
Sectional Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sectional Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sectional Sub Branch, encompassing Urban Railcar Drivers, Driver Trainers, Driver Coordinators and Trainee Railcar Drivers and be employed by the Public Transport Authority on the date on which nominations open.*

### Customer Relations Sectional Sub Branch

Sectional Sub Branch President	Honorary position	2 year term	1
Sectional Sub Branch Vice President	Honorary position	2 year term	1
Sectional Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### Eligibility

*A candidate for a position of Sectional Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sectional Sub Branch, encompassing Customer Service Assistants, Passenger Ticketing Assistants, Car Park Attendants and be employed by the Public Transport Authority on the date on which nominations open.*

### **Country Passenger Sectional Sub Branch**

Sectional Sub Branch President	Honorary position	2 year term	1
Sectional Sub Branch Vice President	Honorary position	2 year term	1
Sectional Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### **Eligibility**

*A candidate for a position of Sectional Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sectional Sub Branch, encompassing Railcar Drivers, road Coach Operators, Bus Drivers, On Train Staff and Operational Staff and be employed by Transwa, Goldfields Bus or Delron on the date on which nominations open.*

### **Miscellaneous Employees Sectional Sub Branch**

Sectional Sub Branch President	Honorary position	2 year term	1
Sectional Sub Branch Vice President	Honorary position	2 year term	1
Sectional Sub Branch Secretary	Honorary position	2 year term	1
Committee Members	Honorary positions	2 year term	7

#### **Eligibility**

*A candidate for a position of Sectional Sub Branch President, Vice President, Secretary or Committee Member must be a financial member of the Union and a member of the Sectional Sub Branch, encompassing Infrastructure Workers, Surplus Employees and be employed by The Public Transport Authority on the date on which nominations open.*

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### **Divisional Delegates to National Council**

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National Infrastructure Division (1)

National Rail Operations Division (1)

National Locomotive Division (1)

**Special Branch Council Meeting  
Via Telephone Conference  
1330 Hrs Tuesday 3<sup>rd</sup> August 2010**



**AUSTRALIAN  
RAIL TRAM &  
BUS INDUSTRY  
UNION W.A.  
BRANCH**

# BRANCH COUNCIL

## Via Telephone Conference

### Tuesday 3<sup>rd</sup> August 2010

Commenced 1300 hrs

#### Attendance

John Miller  
Philip Woodcock

Branch President  
Branch Vice President  
Branch Secretary

#### Secretary of each of the following Sub Branches

Barry Normington	0409684583	Bunbury
Richard Tolman	92256722	Esperance
		Forrestfield
Peter Cooper	92256722	Geraldton
Garry Adams	0409114300	Kalgoorlie
Jayson Manners	0412900584	Kwinana
Vacant		Merredin
Ian King	0405021623	Metropolitan
Wayne Abel	92256722	Northam
		Perth
John Gillmore	0427330327	Wagin

#### Apologies

Michael Chance	Branch President	Working
Brian Curran	Sub Branch Secretary Forrestfield	Death in family
Jason Hopperton	Sub Branch Secretary Perth	Uncontactable

Philip Woodcock opened meeting 1330 hrs .

In accordance with the notice of motion distributed on 2 July 2010, we are meeting today to undertake a ballot of the Branch Council with respect to amendments to sections 172 to 182 of the National Rules of the ARTBIU.

As you are aware, the proposed new branch rules are designed to provide for a branch structure which will complement the state registered union and permit the branch and state union to be treated as 'counterpart' unions under the WA state based industrial relations legislation. These changes are intended to overcome difficulties encountered since the WA IRC identified that the Branch did not have a 'section 71' certificate permitting the state and federal organisations to be operated conjointly.

**Motion 21/2010 Woodcock/Manners**

**In accordance with Rule 87 of the National (General) Rules of the ARTBIU, this Branch Council hereby approves of the changes to Rules 172, 173, 174, 175, 176, 177, 178, 179, 180, 181 and 182 of the Western Australian Branch specific provisions of the National Rules of the ARTBIU**

**Carried**

**Motion 22/2010 Woodcock/Gillmore**

**The Branch Secretary and National secretary make application for the purpose of the West Australian Branch elections for 2010 to FWA to amend rule 71 (1) (I) to read " nominations will open at 9.00am Wednesday 29<sup>th</sup> September 2010 and shall close at 5.00pm Wednesday 13<sup>th</sup> October 2010".**

**Carried**

**Meeting closed 1350hrs**