

**Australian Rail, Tram and Bus Industry Union  
Branch Council Election E2012-334**

**Declaration of Results for Contested and Uncontested Offices**

**E2012/334**

Below are the results of the election for the following offices, conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation.

**New South Wales Branch**

Total number of names on the roll of voters	51
Ballot papers issued	43
Replacement ballot papers issued	0
<b>Total Ballot Papers Issued</b>	<b>43</b>
Ballot papers / envelopes returned for scrutiny	43
Less ballot papers / envelopes rejected at preliminary scrutiny	0
Adjusting balance	0
<b>Total Ballot Papers Admitted to Scrutiny</b>	<b>43</b>
Percentage of ballot papers returned to number issued	100
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	0

**Junior Branch Vice President**

<u>Candidates</u>	<u>Votes</u>
MCCALLUM, Joanne	26
ROSSER, Brett	17
Total votes	43
Formal ballot papers	43
Informal ballot papers	0

I declare Joanne McCallum elected.

**Senior Branch Vice President**

Candidates

KLINEBERG, Douglas

I declare Douglas Klineberg elected.



Noopur Madan  
Returning Officer  
Australian Electoral Commission  
19 September 2013

**AUSTRALIAN RAIL, TRAM AND BUS INDUSTRY UNION**  
**Re-Call Election NSW Branch (Vacant Positions) - E2012/334**

## Declaration of Results for Contested Offices

**E2012/334**

Below are the results of the election for the following offices, conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation.

### Hornsby Sub Division Locomotive Division

Total number of names on the roll of voters	189
Ballot papers issued	189
Replacement ballot papers issued	0
<b>Total Ballot Papers Issued</b>	<b>189</b>
Ballot papers / envelopes returned for scrutiny	65
Less ballot papers / envelopes rejected at preliminary scrutiny	1
Adjusting balance	0
<b>Total Ballot Papers Admitted to Scrutiny</b>	<b>64</b>
Percentage of ballot papers returned to number issued	34%
Ballot papers returned as unclaimed mail	2
Ballot papers not returned	122

### Depot Organiser

<u>Candidates</u>	<u>Votes</u>
CLEAR, Tony	24
CARR, Dave	40
Loss/Gain by Fraction	0
Total votes	64
Formal ballot papers	64
Informal ballot papers	<b>0</b>

I declare Dave Carr elected.



Noopur Madan  
Returning Officer  
Australian Electoral Commission

6 August 2013



Fair Work (Registered Organisations) Act 2009

## RETURNING OFFICER - POST ELECTION REPORT

**Client:** Australian Rail, Tram and Bus Industry Union - Tasmanian Branch

**Contact details:** Samantha Simonetis  
Branch Secretary  
ARTBIU  
Tasmanian Branch  
PO Box 682  
Moonah TAS 7009

**Email:** rtbu1@bigpond.com  
**Tel:** 03 6228 6188

**AIR contact officer:** Carolyn Maloney

**Email:** industrial.elections@fwc.gov.au  
**Tel:** (02) 8374 6510

### ELECTIONS COVERED IN THIS REPORT

**Election Decision No/s:** E2012/334

**Election:** Tasmanian Branch Elections

**Returning Officer:** Michael Horwood

### RULES

**Rules used for elections Rule ID:** 139V: Incorporates alterations of 14/12/2011 [R2011/232]

**Rules difficult to apply/interpret:**

**Model Rule reference (if any):**

**Legal precedents considered:**

**Action taken under section 193 of  
RAO Schedule:**

### ROLL OF VOTERS

As the positions were not contested, a Roll of Voters was not utilized in the conduct of the election for the Tasmanian Branch positions.

**OTHER MATTERS PERTAINING TO ROLL OF VOTERS**

Tasmanian Divisions vary from National Divisions.

**ALLEGATIONS OF IRREGULARITIES RECEIVED**

There were no written complaints or allegations of irregularities.

**ATTACHMENTS**

- A Declaration of Results for Contested & Uncontested Offices 1 May 2013
- B Declaration of Results for Contested & Uncontested Offices 1 May 2013
- C Declaration of Results for Recall Elections 21 June 2013
- D Declaration of Results for Recall Elections 21 June 2013



Michael Horwood  
Returning Officer

4 July 2013



Our Ref: N12/322 - 8

Mr Allan Barden  
Assistant National Secretary  
Australian Rail, Tram and Bus Industry Union  
Suite 210, Level 2, 4 Goulburn Street  
**SYDNEY 2000**

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

Dear Mr Barden

**Australian Rail, Tram and Bus Industry Union  
Re-Call Election for National & NSW Branch (Vacant Positions) - E2012/334**

The declaration of the Recall election for uncontested offices in National offices and NSW branch is attached.

The election for NSW branch is not yet complete. I will be in touch after ballot for contested positions.

Yours sincerely

**Noopur Madan**  
Returning Officer

1 July 2013

# Australian Rail, Tram and Bus Industry Union

## Recall National Election vacant positions - E2012/334

### Declaration of Results for Uncontested Offices

**E2012/334**

Below are the results of the election for the following offices, conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation.

#### National Offices

##### Delegate to National Council from QLD Branch Rail Operations Division

###### Candidates

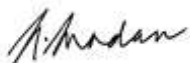
ALLEN, Craig

##### Delegate to National Council from SA/NT Branch Rail Operations Division

###### Candidates

No nomination was accepted

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



Noopur Madan  
Returning Officer

1 July 2013



**Reference:** N12/322 - 8

Mr Alex Claassens  
NSW Branch Secretary  
Australian Rail, Tram and Bus Industry Union  
83 - 89 Renwick Street  
REDFERN NSW 2016

Via email: [hbyron@rtbu-nsw.asn.au](mailto:hbyron@rtbu-nsw.asn.au)  
[aclaassens@rtbu-nsw.asn.au](mailto:aclaassens@rtbu-nsw.asn.au)

Dear Mr Claassens,

**Australian Rail, Tram and Bus Industry Union  
Re-Call Election NSW Branch (Vacant Positions) - E2012/334  
E2012/334**

The declaration of the election for uncontested offices is attached.

The election is not yet complete.

A ballot will be held for contested positions in the Locomotive division, depot organisers for Hornsby and Woollongong Sub-division

Yours sincerely

Noopur Madan  
Returning Officer

1 July 2013

cc: all candidates

# Australian Rail, Tram and Bus Industry Union Re-Call Election NSW Branch (Vacant Positions) E2012/334

## Declaration of Results for Uncontested Offices

E2012/334

Below are the results of the election for the following offices, conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation.

### Administrative, Supervisory, Technical and Professional Division

#### Sydney Ferries Corporation

Branch Divisional Delegate to Branch Council

##### Candidates

No nomination was received

#### State Transit Authority

Branch Divisional Delegate to Branch Council

##### Candidates

LAW, Robert

#### Western District Group

Sub-Divisional Representative on Branch Divisional Committee

##### Candidates

No nomination was received

### Infrastructure Division

#### Western District Group

Sub-Divisional Representative on Branch Divisional Committee

##### Candidates

No nomination was received

### Fleet Manufacture, Overhaul, Maintenance & Service Division

#### Metropolitan District Group (Bus Engineering)

Sub-Divisional Representative on Branch Divisional Committee



Candidates

No nomination was received

**Southern District Group**

**Sub-Divisional Representative on Branch Divisional Committee**

Candidates

No nomination was received

**Locomotive Division**

**North Sydney Sub Division**

**Depot Organiser**

Candidates

No nomination was received

**Liverpool Sub Division**

**Depot Organiser**

Candidates

TIATA, David

**Auburn Maintenance Centre (AMF) Sub Division**

**Depot Organiser**

Candidates

No nomination was received

**Mortdale Sub Division**

**Depot Organiser**

Candidates

HEREDIA SANCHEZ, Luis

**Moss Vale Sub-Division**

**Depot Organiser**

Candidates

BINDLEY, Michael

## **Railcorp CountryLink Group**

### **Sub-Divisional Representative on Branch Divisional Council**

#### Candidates

PECK, Wayne

## **Parkes (Intermodal) Sub Division**

### **Depot Organiser**

#### Candidates

SULLIVAN, Raymond

## **Enfield Sub Division**

### **Depot Organiser**

#### Candidates

UKMAR, Jimmy

## **Parkes (Bulk Services) Depot**

### **Depot Organiser**

#### Candidates

SIMMONS, Ron

## **Southern Highlands (Moss Vale) Sub Division**

### **Depot Organiser**

#### Candidates

No nomination was received

## **Narrabri Sub Division**

### **Depot Organiser**

#### Candidates

No nomination was received

## **Pacific National Coal Group**

### **Sub-Divisional Representative on Branch Divisional Council**

Candidates

BROOKING, Greg

**Antienne (Newdell) Sub Division**

**Depot Organiser**

Candidates

LACEY, Karen

**Pacific National Bluescope Group**

**Sub Divisional Representative on Branch Divisional Council**

Candidates

No nomination was received

**Interail Australia Intermodal Group**

**Sub-Divisional Representative on Branch Divisional Council**

Candidates

JEFFERY, Angela

**Independent Railway of Australia LVRF Group**

**Sub-Divisional Representative on Branch Divisional Council**

Candidates

No nomination was received

**Minto Sub Division**

**Depot Organiser**

Candidates

No nomination was received

**SKILLED Group**

**Sub Divisional Representative on Branch Divisional Council**

Candidates

No nomination was received

**FreightLiner Group**

**Sub-Divisional Representative on Branch Divisional Council**

Candidates

No nomination was received

**Sandgate Sub Division**

**Depot Organiser**

Candidates

No nomination was received

**QUBE Australia Group**

**Sub-Divisional Representative on Branch Divisional Council**

Candidates

RICH, Rodney

**Pacific National Victoria (NSW) Group**

**Sub-Divisional Representative on Branch Divisional Council**

Candidates

BEVERIDGE, Josh

**Rail Operations Division**

**NSW Rail Operations Division**

**Branch Divisional President**

Candidates

MCCALLUM, Joanne

**Southern District**

**Branch Divisional Delegate to Branch Council**

Candidates

No nomination was received

**Terminal Operators Sub Division**

**Sub-Divisional Representative on Branch Divisional Committee**

Candidates

No nomination was received

**Branch Sub Division President**

Candidates

WHITTLE, Anthony

**Branch Sub Division Vice President**

Candidates

No nomination was received

**Branch Sub Division Secretary**

Candidates

KARNIB, Housein

**Signallers Sub-Division**

**Sub-Divisional Representative on Branch Divisional Committee**

Candidates

No nomination was received

**On-Board Passenger Train Sub-Division**

**Branch Sub-Division Vice-President**

Candidates

CAMPBELL, Elizabeth

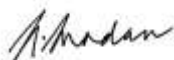
**Transit Officers Wages Sub-Division**

**Branch Sub Division Vice President**

Candidates

No nomination was received

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



Noopur Madan  
Returning Officer

1 July 2013

**Australian Rail, Tram and Bus Industry Union  
Rail Division Elections Recall 2012**

**Declaration of Results for Contested and Uncontested Offices**

**E2012/334**

Below are the results of the election for the following offices, conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation.

**Rail Division  
Branch Divisional Delegate to the Branch Council**

Candidates

No nomination was received  
No candidates elected.

**Rail Division  
Branch Divisional President**

Candidates

No nomination was received  
No candidates elected.

**Rail Division - Northern Region  
Regional Representative to Branch Divisional Committee**

Candidates

No nomination was received  
No candidates elected.

**Rail Division - Southern Region  
Regional Representative to Branch Divisional Committee**

Candidates

No nomination was received  
No candidates elected.



Michael Horwood  
Returning Officer  
Australian Electoral Commission

21 June 2013



**Australian Rail, Tram and Bus Industry Union  
Tram and Bus Division Elections Recall 2012**

**Declaration of Results for Contested and Uncontested Offices**

**E2012/334**

Below are the results of the election for the following offices, conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation.

**Tram and Bus Division - Northern District  
Branch Divisional Vice-President (Northern District)**

Candidates

No nomination was received  
No candidates elected.

**Tram and Bus Division - Administrative/Supervisory Sub-Division  
Branch Sub-Divisional Representative to  
Branch Divisional Committee - Administrative/Supervisory**

Candidates

No nomination was received  
No candidates elected.



Michael Horwood  
Returning Officer  
Australian Electoral Commission

21 June 2013

# Australian Rail, Tram and Bus Industry Union Tram and Bus Division Elections 2012

## DECLARATION OF RESULTS FOR UNCONTESTED AND 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.

E2012/334

### Tram and Bus Division

#### Branch Divisional Delegate to the Branch Council (4)

##### Candidates

FELTHAM, Greg  
HEWITT, Christine  
LEIGHTON, Ian  
STANWIX, Chris

I declare Greg Feltham, Christine Hewitt, Ian Leighton and Chris Stanwix elected.

#### Branch Divisional President

##### Candidate

GODFREY, Steven

I declare Steven Godfrey elected.

#### Branch Divisional Secretary

##### Candidate

SIMONETIS, Sam

I declare Sam Simonetis elected.

#### Northern District

#### Branch Divisional Vice-President (Northern District)

##### Candidates

No nomination was received

No candidates elected.

#### Southern District

#### Branch Divisional Vice-President (Southern District)

##### Candidate

HALL, Daniel

I declare Daniel Hall elected.



**Burnie Sub-Division**

**Branch Sub-Divisional Representative to Branch Divisional Committee - Burnie Sub-Division**

Candidate

SNOOK, David I

I declare David I Snook elected.

**Launceston Sub-Division**

**Branch Sub-Divisional Representative to Branch Divisional Committee - Launceston Sub-Division**

Candidate

SINGLINE, Lorraine

I declare Lorraine Singline elected.

**Springfield Sub-Division**

**Branch Sub-Divisional Representative to Branch Divisional Committee - Springfield Sub-Division**

Candidate

WILSON, John

I declare John Wilson elected.

**Administrative/Supervisory Sub-Division**

**Branch Sub-Divisional Representative to Branch Divisional Committee - Administrative/Supervisory**

Candidates

No nomination was received

No candidates elected.



Michael Horwood  
Returning Officer  
Australian Electoral Commission

1 May 2013

# Australian Rail, Tram and Bus Industry Union

## Tasmanian Branch & Rail Division Elections 2012

### DECLARATION OF RESULTS FOR UNCONTESTED AND 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.

E2012/334

#### Tasmanian Branch

##### Branch President

###### Candidate

PAYNE, David L



I declare David L Payne elected.

##### Branch Vice-President

###### Candidate

GODFREY, Steven

I declare Steven Godfrey elected.

#### Rail Division

##### Branch Divisional Delegate to the Branch Council

###### Candidates

No nomination was received



No candidates elected.

##### Branch Divisional President

###### Candidates

No nomination was received

No candidates elected.

##### Branch Divisional Secretary

###### Candidate

PAYNE, David L

I declare David L Payne elected.

**North West Coast Region - Rail Division  
Regional Representative to Branch Divisional Committee**

Candidate

MITCHELL, Rob

I declare Rob Mitchell elected.

**Northern Region - Rail Division  
Regional Representative to Branch Divisional Committee**

Candidates

No nomination was received

No candidates elected.

**Southern Region - Rail Division  
Regional Representative to Branch Divisional Committee**

Candidates

No nomination was received

No candidates elected.

A handwritten signature in blue ink, appearing to read 'Michael Horwood', written in a cursive style.

Michael Horwood  
Returning Officer  
Australian Electoral Commission  
1 May 2013

**AUSTRALIAN RAIL, TRAM AND BUS INDUSTRY UNION**  
**Queensland Branch Elections 2013**  
**Tram and Bus Division**

**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.

E2012/334

**QLD Tram & Bus Division**

Total number of persons on the roll of voters	2190
Ballot papers issued	1110
Postal ballot papers issued	135
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>1245</b>
Ballot papers / envelopes returned for scrutiny	1196
Less ballot papers / envelopes rejected at preliminary scrutiny	9
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>1187</b>
Percentage of ballot papers returned to number issued	96%

**National Divisional Delegate to National Council (2)**

<u>Candidates</u>	<u>Votes</u>
DENMAN Stephen	557
MEEHAN Ed	516
NEVILLE Peter	665
CAMPBELL Trevor J	593
Total votes	2331
Formal ballot papers	1177
Informal ballot papers	10

I declare Peter Neville and Trevor J Campbell elected.



Noopur Madan  
Returning Officer  
Australian Electoral Commission

14 May 2013

**AUSTRALIAN RAIL, TRAM AND BUS INDUSTRY UNION**  
**New South Wales Branch Elections 2013**  
**Tram and Bus Division**

**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.

E2012/334

**NSW Tram & Bus Division**

Total number of persons on the roll of voters	3863
Ballot papers issued	1781
Duplicate ballot papers issued	0
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>1781</b>
Ballot papers / envelopes returned for scrutiny	1781
Less ballot papers / envelopes rejected at preliminary scrutiny	33
Adjusting Balance	2
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>1750</b>
Percentage of ballot papers returned to number issued	45%
Ballot papers returned as unclaimed mail	N/A
Ballot papers not returned	N/A

**Branch Divisional Delegate to Branch Council (5)**

<u>Candidates</u>	<u>Votes</u>
MASON, Kenneth	352
LEKKAS, William	1200
WIRTH, Wendy	585
BURKE, Alan J	1186
EDDY, Bruce	1215
GRECH, Peter	1181
PETERS, Brett	1128
Total votes	6847
Formal ballot papers	1680
Informal ballot papers	70

I declare Alan J Burke, Bruce Eddy, Peter Grech, William Lekkass and Brett Peters elected.



Noopur Madan  
Returning Officer  
Australian Electoral Commission

8 April 2013

# AUSTRALIAN RAIL, TRAM AND BUS INDUSTRY UNION

## National Offices Election 2013

### 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.

E2012/334

#### **National Vice President (Affirmative Action - Women)**

Candidate

HOWCROFT, Lana

#### **Assistant National Secretary (Administrative, Supervisory, Technical and Professional Division)**

Candidate

CAMERON, Greg

#### **Assistant National Secretary (Infrastructure Division)**

Candidate

SCHIMKE, Ross

#### **Assistant National Secretary (Fleet Manufacture, Overhaul, Maintenance and Service Division)**

Candidate

TATNELL, Greg

#### **Branch Delegates to the National Executive (Victorian Branch) (2)**

Candidates

FAALELE, Tanielu (Danny)

MAROTTA, Marc

#### **Delegate to National Council from QLD Branch Admin, Supervisory, Technical and Professional Division**

Candidate

MORRIS, Noel

#### **Delegate to National Council from QLD Branch Infrastructure Division (2)**

Candidates

HOWARD, Trent

JOHNSTON, Paul Robert

**Delegate to National Council from QLD Branch Rail Operations Division (2)**

Candidate

TALBOT, Gregory James  
No further nomination was accepted

**Delegate to National Council from QLD Branch Fleet Manufacture, Overhaul, Maintenance & Service Div.**

Candidate

MONAGHAN, Barry

**Delegate to National Council from NSW Branch Infrastructure Division (2)**

Candidates

BUCKLEY, James  
KLINEBERG, Douglas

**Delegate to National Council from NSW Branch Fleet Manufacture, Overhaul, Maintenance & Service Div.**

Candidate

MORRISON, Skye

**Delegate to National Council from Vic Branch Admin, Supervisory, Technical & Professional Division (2)**

Candidates

KOZMEVSKI, Steven  
WAINWRIGHT, Grant

**Delegate to National Council from Vic Branch Tram and Bus Division (2)**

Candidates

FAALELE, Tanielu (Danny)  
TEASDALE, Mark

**Delegate to National Council from Vic Branch Infrastructure Division**

Candidate

HARVEY, Peter

**Delegate to National Council from Vic Branch Locomotive Division (2)**

Candidates

HICKS, Wayne  
SHEEDY, Terence

**Delegate to National Council from Vic Branch Rail Operations Division (2)**

Candidates

BUTLER, Sam  
GALEA, Darren

**Delegate to National Council from Vic Branch Fleet, Manufacture, Overhaul, Maintenance & Service Division**

Candidate

JUMPERTZ, Paul

**Delegate to National Council from SA/NT Branch Admin, Supervisory, Technical & Professional Div.**

Candidate

HARRIS, Kym Andrew

**Delegate to National Council from SA/NT Branch Infrastructure Division**

Candidate

BENNETT, Kevin

**Delegate to National Council from SA/NT Branch Locomotive Division**

Candidate

SUNDQVIST, Josh

**Delegate to National Council from SA/NT Branch Rail Operations Division**

No nomination was received

**Delegate to National Council from Tasmanian Branch Tram and Bus Division**

Candidate

SINGLINE, Lorraine

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



Noopur Madan  
Returning Officer

8 April 2013



**AUSTRALIAN RAIL, TRAM AND BUS INDUSTRY UNION  
NSW Branch Election 2013  
Branch Offices**

**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.

E2012/334

**New South Wales Branch**

**Affirmative Action (woman) Delegate to Branch Council (from Tram & Bus Division)**

Candidate

HOLMES, Leanne

**Affirmative Action (woman) Delegate to Branch Council (from Rail Divisions)**

Candidate

PUTTOCK, Julie

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



Noopur Madan  
Returning Officer

9 April 2014

**AUSTRALIAN RAIL, TRAM AND BUS INDUSTRY UNION  
NSW Branch Elections 2013  
Administrative, Supervisory, Technical and Professional  
Division**

**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.

E2012/334

**NSW Administrative, Supervisory, Technical & Professional Division**

**Branch Divisional President**

Candidate

THOMPSON, Mark

**Branch Divisional Secretary**

Candidate

DOYLE, Chris

**Western & Southern Districts - Administrative, Supervisory, Technical & Professional  
Division**

**Branch Divisional Delegate to Branch Council**

Candidate

WHITTY, John P

**State Transit Authority - Administrative, Supervisory Technical & Professional  
Division**

**Branch Divisional Delegate to Branch Council**

No nomination was received

**Sydney Ferries Corporation Administrative, Supervisory, Technical & Professional  
Division**

**Branch Divisional Delegate to Branch Council**

No nomination was received

**Metropolitan District Group Administrative, Supervisory, Technical & Professional Division**

**Sub-Divisional Representative on Branch Divisional Committee (7)**

Candidates

AGIOMANTIS , Mark  
DUNN , Bob  
KURESHI , Hassan  
PEARCE, Margaret  
PRIESTLEY, Stephen J  
STEVENS , John  
TEASEL, Gary

**Northern District Group Administrative, Supervisory, Technical & Professional Division**

**Sub-Divisional Representative on Branch Divisional Committee**

Candidate

MASKELL, Michael

**Western District Group Administrative, Supervisory, Technical & Professional Division**

**Sub-Divisional Representative on Branch Divisional Committee**

No nomination was received

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



Noopur Madan  
Returning Officer

8 April 2013

**AUSTRALIAN RAIL, TRAM AND BUS INDUSTRY UNION  
NSW Branch Elections 2013  
Fleet, Manufacture, Overhaul, Maintenance and Service  
Division**

**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.

E2012/334

**NSW Fleet Manufacturing, Overhaul, Maintenance & Services Division**

**Branch Divisional President**

Candidate

MORRISON, Skye

**Branch Divisional Vice President**

Candidate

HOLMES, Stephen

**Branch Divisional Secretary**

Candidate

BARTLETT, Michael

**Branch Offices**

**Branch Divisional Delegate to Branch Council (2)**

Candidates

HAYWOOD, Ismail

MALEK, Michael

**Northern, Western & Southern District Fleet Manufacture, Overhaul, Maintenance &  
Service Division**

**Branch Divisional Delegate to Branch Council**

Candidate

EDWARDS, Clarence

**Sub-Divisional Representatives on Branch Divisional Committees:**

**Metropolitan District Group Fleet Manufacture, Overhaul, Maintenance & Service Division**

**Sub-Divisional Representative on Branch Divisional Committee (3)**

Candidates

JENNINGS, Alan  
MALEK, Michael  
ZARIC, Rick

**Metropolitan District Group (Bus Engineering) Fleet Manufacture, Overhaul, Maintenance & Service Division**

**Sub-Divisional Representative on Branch Divisional Committee**

No nomination was received

**Northern District Group Fleet Manufacture, Overhaul, Maintenance & Service Division**

**Sub-Divisional Representative on Branch Divisional Committee**

Candidate

SHIELDS, Glenn

**Southern District Group Fleet Manufacture, Overhaul, Maintenance & Service Division**

**Sub-Divisional Representative on Branch Divisional Committee**

No nomination was received

**Western District Group Fleet Manufacture, Overhaul, Maintenance & Service Division**

**Sub-Divisional Representative on Branch Divisional Committee**

Candidate

EDWARDS, Clarence

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



Noopur Madan  
Returning Officer

9 April 2013

**AUSTRALIAN RAIL, TRAM AND BUS INDUSTRY UNION  
NSW Branch Elections 2013  
Infrastructure Division**

**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.

E2012/334

**Metropolitan District Infrastructure Division**

**Branch Divisional Delegate to Branch Council (2)**

Candidates

PANESAR, Tarvinder  
WEST, Ray

**Northern District Infrastructure Division**

**Branch Divisional Delegate to Branch Council**

Candidate

WILSON, Scott

**North Coast District Infrastructure Division**

**Branch Divisional Delegate to Branch Council**

Candidate

BOUBOULAS, Anestasi Tom

**Western District Infrastructure Division**

**Branch Divisional Delegate to Branch Council**

Candidate

WILLETTS, Andrew

**Southern District Infrastructure Division**

**Branch Divisional Delegate to Branch Council**

Candidate

TAPPER, Michael

## **NSW Infrastructure Division**

### **Branch Divisional President**

Candidate

SULLIVAN, Michael Glenn

### **Branch Divisional Vice President**

Candidate

SAKR, Khaled

### **Branch Divisional Secretary**

Candidate

BUCKLEY, James

### **Sub-Divisional Representatives on Branch Divisional Committees:**

#### **Metropolitan District Group (Perway) Infrastructure Division**

##### **Sub-Divisional Representative on Branch Divisional Committee (4)**

Candidates

BALZANO, Gennaro

BOHAN, Bill

SHERMAN, Anthony

WILLIAMS, Kerry

#### **Metropolitan District Group (Signal) Infrastructure Division**

##### **Sub-Divisional Representative on Branch Divisional Committee**

Candidate

PARKER, Jonathon A

#### **Metropolitan District Group (Electrical) Infrastructure Division**

##### **Sub-Divisional Representative on Branch Divisional Committee**

Candidate

CAMERON, Alan

**Northern District Group Infrastructure Division**

**Sub-Divisional Representative on Branch Divisional Committee**

Candidate

WILSON, Scott

**North Coast District Group Infrastructure Division**

**Sub-Divisional Representative on Branch Divisional Committee**

Candidate

BOUBOULAS, Anestasi Tom

**Southern District Group Infrastructure Division**

**Sub-Divisional Representative on Branch Divisional Committee**

Candidate

LAWLER, Martyn

**Western District Group Infrastructure Division**

**Sub-Divisional Representative on Branch Divisional Committee**

No nomination was received

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



Noopur Madan  
Returning Officer

9 April 2013



**AUSTRALIAN RAIL, TRAM AND BUS INDUSTRY UNION  
NSW Branch Elections 2013  
Locomotive Division**

**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.

E2012/334

**Western District Locomotive Division**

**Branch Divisional Delegate to Branch Council**

Candidate

BOND, Trevor

**Southern District Locomotive Division**

**Branch Divisional Delegate to Branch Council**

Candidate

WOOTEN, Bruce

**Branch Locomotive Divisional Council**

**Railcorp ETR Group Region 1 Locomotive Division**

**Sub-Divisional Representative on Branch Divisional Council**

Candidate

HOLT, Andrew

**Blacktown Sub Division Locomotive Division**

**Depot Organiser**

Candidate

WILSON, Kevin

**Penrith Sub Division Locomotive Division**

**Depot Organiser**

Candidate

SULLIVAN, Michael

## **Hornsby Sub Division Locomotive Division**

### **Depot Organiser**

No nomination was received

## **North Sydney Sub Division Locomotive Division**

### **Depot Organiser**

No nomination was received

## **Railcorp ETR Group Region 2 Locomotive Division**

### **Sub-Divisional Representative on Branch Divisional Council**

#### Candidate

KING, Jeff

## **Liverpool Sub Division Locomotive Division**

### **Depot Organiser**

No nomination was received

## **Campbelltown Sub Division Locomotive Division**

### **Depot Organiser**

#### Candidate

PATTINSON, David

## **Auburn Maintenance Centre (AMF) Sub Division Locomotive Division**

### **Depot Organiser**

No nomination was received

## **Cronulla Sub Division Locomotive Division**

### **Depot Organiser**

#### Candidate

MCCLYMONT, Mark

## **Mortdale Sub Division Locomotive Division**

### **Depot Organiser**

No nomination was received

**Waterfall Sub Division Locomotive Division**

**Depot Organiser**

Candidate

COX, Andrew

**Railcorp Intercity Group Locomotive Division**

**Sub-Divisional Representative on Branch Divisional Council**

Candidate

SOTIRIOU, John

**Newcastle Sub-Division Locomotive Division**

**Depot Organiser**

Candidate

HARPER, Steve

**Gosford Sub-Division Locomotive Division**

**Depot Organiser**

Candidate

BULL, Peter

**Wollongong Sub-Division Locomotive Division**

**Depot Organiser**

No nomination was received

**Eveleigh Sub-Division Locomotive Division**

**Depot Organiser**

Candidate

PUTTOCK, Julie

**Moss Vale Sub-Division Locomotive Division**

**Depot Organiser**

No nomination was received

**Railcorp CountryLink Group Locomotive Division**

**Sub-Divisional Representative on Branch Divisional Council**

No nomination was received

**Taree Sub Division Locomotive Division**

**Depot Organiser**

Candidate

KIME, Michael

**Chullora (Sydney Freight Terminal) Sub Division Locomotive Division**

**Depot Organiser**

Candidate

MATHIE, David L

**Parkes (Intermodal) Sub Division Locomotive Division**

**Depot Organiser**

No nomination was received

**Port Kembla (Intermodal) Sub Division Locomotive Division**

**Depot Organiser**

Candidate

PAGE, Phillip

**Junee Sub Division Locomotive Division**

**Depot Organiser**

Candidate

HACKETT, Elliott

**Pacific National Bulk Services Group Locomotive Division**

**Sub-Divisional Representative on Branch Divisional Council**

Candidate

LEMAY, Brendan

**Morandoo Sub Division Locomotive Division**

**Depot Organiser**

Candidate

SUPPLE, Mark

**Werris Creek Sub Division Locomotive Division**

**Depot Organiser**

Candidate

SMART, Christopher

**Enfield Sub Division Locomotive Division**

**Depot Organiser**

No nomination was received

**Parkes (Bulk Services) Depot Locomotive Division**

**Depot Organiser**

No nomination was received

**Southern Highlands (Moss Vale) Sub Division Locomotive Division**

**Depot Organiser**

No nomination was received

**Narrabri Sub Division Locomotive Division**

**Depot Organiser**

No nomination was received

**Cootamundra Sub Division Locomotive Division**

**Depot Organiser**

Candidate

MARTIN, Jimmy

**Pacific National Coal Group Locomotive Division**

**Sub-Divisional Representative on Branch Divisional Council**

No nomination was received

**Lithgow Sub Division Locomotive Division**

**Depot Organiser**

Candidate

BROOKING, Greg

**Hunter Valley Sub Division Locomotive Division**

**Depot Organiser**

Candidate

NUTLEY, Allan

**Antienne (Newdell) Sub Division Locomotive Division**

**Depot Organiser**

No nomination was received

**Pacific National Bluescope Group Locomotive Division**

**Sub Divisional Representative on Branch Divisional Council**

No nomination was received

**Interail Australia Coal Group Locomotive Division**

**Sub-Divisional Representative on Branch Divisional Council**

Candidate

BAKER, Garry Richard

**Kooragang (Broadmeadow) Sub Division Locomotive Division**

**Depot Organiser**

Candidate

DRAY, Dave

**Interail Australia Intermodal Group Locomotive Division**

**Sub-Divisional Representative on Branch Divisional Council**

No nomination was received

**Independent Railway of Australia LVRFB Group Locomotive Division**

**Sub-Divisional Representative on Branch Divisional Council**

No nomination was received

**Minto Sub Division Locomotive Division**

**Depot Organiser**

No nomination was received

**El Zorro Rail Group**

**Sub-Divisional Representative on Branch Divisional Council**

Candidate

SCHOFIELD, Nick

**SKILLED Group Locomotive Division**

**Sub Divisional Representative on Branch Divisional Council**

No nomination was received

**FreightLiner Group Locomotive Division**

**Sub-Divisional Representative on Branch Divisional Council**

No nomination was received

**Sandgate Sub Division Locomotive Division**

**Depot Organiser**

No nomination was received

**QUBE Australia Group**

**Sub-Divisional Representative on Branch Divisional Council**

No nomination was received

**Pacific National Victoria (NSW) Group**

**Sub-Divisional Representative on Branch Divisional Council**

No nomination was received

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



Noopur Madan  
Returning Officer

9 April 2012

**Australian Rail, Tram and Bus Industry Union  
NSW Branch Elections 2013  
Rail Operations Division**

**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.

E2012/334

**Western District Rail Operations Division**

**Branch Divisional Delegate to Branch Council**

Candidate

KRAMER, Craig

**Southern District Rail Operations Division**

**Branch Divisional Delegate to Branch Council**

No nomination was received

**NSW Rail Operations Division**

**Branch Divisional President**

No nomination was received

**Branch Divisional Secretary**

Candidate

SULLIVAN, Michael

**Terminal Operators Sub Division Rail Operations Division**

**Sub-Divisional Representative on Branch Divisional Committee**

No nomination was received

**Branch Sub Division President**

No nomination was received

**Branch Sub Division Vice President**

No nomination was received



**Branch Sub Division Secretary**

No nomination was received

**Signallers Sub-Division Rail Operations Division**

**Sub-Divisional Representative on Branch Divisional Committee**

No nomination was received

**Branch Sub-Division President**

Candidate

THOMAS, Gavin

**Branch Sub-Division Vice-President**

Candidate

MULHOLLAND, Damien

**Branch Sub-Division Secretary**

Candidate

MEDINA, Doug

**On-Board Passenger Train Sub-Division Rail Operations Division**

**Sub-Divisional Representative on Branch Divisional Committee**

Candidate

MASCARO, Vitt

**Branch Sub-Division President**

Candidate

ANTOUN, Michael

**Branch Sub-Division Vice-President**

No nomination was received

**Branch Sub-Division Secretary**

Candidate

ENGLE, David

**Transit Officers Wages Sub-Division Rail Operation Division**

**Sub-Divisional Representative on Branch Divisional Committee**

Candidate

BUTLER, Peter

**Branch Sub Division Vice President**

No nomination was received

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



Noopur Madan  
Returning Officer

9 April 2013

## MERCOVICH, Elizabeth

---

**From:** VALE, David  
**Sent:** Wednesday, 10 April 2013 4:33 PM  
**To:** 'Allan Barden'  
**Cc:** Bob Nanva; noopur.madan@aec.gov.au  
**Subject:** RE: ARTBIU E2012/334 - Fresh ballot for QLD Tram and Bus Division [DLM=For-Official-Use-Only]

Hi Allan

As I understand it, Fair Work Australia (as it then was) issued a Decision arranging for the conduct of an election on 10 September 2012 in matter E2012/334. That decision included an election to be conducted for the offices of 'two National Divisional delegates to National Council from the Queensland Branch, Tram and Bus Division'.

Bob Nanva then wrote to me on 2 October 2012 (as per your attachment) explaining that he considered that there had been an error and that there should be an election for three National Divisional delegates to National Council from the Queensland Branch, Tram and Bus Division, rather than two, and sought to amend the initial application. Unfortunately by that time the decision had already been issued and the election timetable had already been set. On 4 October 2012, we wrote to the AEC and (informed your organisation) that new prescribed information would be required to be lodged to arrange for the conduct of a new election.

So in relation to your enquiries below:

- 1- The ARTBIU is required to lodge new prescribed information for the election of one National Divisional delegate to the National Council from the Queensland Branch, Tram and Bus Division, along with a statement which verifies the reasons for the election (such as membership figures); &
- 2- I doubt it as the AEC would be required to publicise the election in conformity with the rules and the legislation.

Yours sincerely

**DAVID VALE**

Principal Adviser,  
Regulatory Compliance Branch, NSW

**Fair Work Commission**

Tel: 02 8374 6509  
Fax: 02 9380 6990  
[david.vale@fwc.gov.au](mailto:david.vale@fwc.gov.au)

**Please be aware that my email address has changed to [david.vale@fwc.gov.au](mailto:david.vale@fwc.gov.au) effective 1 January 2013. Please update your records accordingly.**

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

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

---

**From:** Allan Barden [mailto:abarden@rtbu-nat.asn.au]  
**Sent:** Wednesday, 10 April 2013 7:43 AM  
**To:** VALE, David  
**Cc:** Bob Nanva; noopur.madan@aec.gov.au  
**Subject:** FW: ARTBIU E2012/334 - Fresh ballot for QLD Tram and Bus Division [DLM=For-Official-Use-Only]

Dear Mr. Vale,

I refer to the recent RTBU Election conducted by the AEC (E2012/334).

The attached email sent to me by the Australian Electoral Commission advising me that they have made a decision using their authority under section 193(1)(b)(i) of the Fair Work (Registered Organisations) Act 2009 to abort the ballot for the election for two National Divisional delegates to National Council from the Queensland Branch, Tram and Bus Division. The attached correspondence outlines the reasons why the AEC needed to abort the election in respect to those two positions and the requirement to conduct a fresh election for those positions.

While this is an unfortunate turn of events, it provides an opportunity to rectify a mistake by the RTBU which is outlined in the attached correspondence (S45C-312100210120) which had originally been sent to you around the 2<sup>nd</sup> of October last year.

That mistake was that, in accordance with our rules, the Queensland Branch, Tram and Bus Division was in fact entitled to three representatives to National Council, not two.

The RTBU request is twofold

1. Is the attached original application by the RTBU enough or is the RTBU required to provide a fresh application?
2. Is it possible to tie this application with the fresh Election by the AEC?

*Regards*

*Allan Barden*

Assistant National Secretary  
**RAIL, TRAM & BUS UNION AUSTRALIA**  
Suite 210, Level 2, 4 Goulburn Street SYDNEY 2000  
T: [\(02\) 8203 6099](tel:(02)82036099) F: [\(02\) 9319 2096](tel:(02)93192096)

[www.rtbu.org.au](http://www.rtbu.org.au)

Rail, Tram and Bus Union Australia - <http://www.rtbu.org.au>

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---

**From:** Noopur Madan [<mailto:Noopur.Madan@aec.gov.au>]  
**Sent:** Tuesday, 9 April 2013 2:16 PM  
**To:** Allan Barden  
**Cc:** [bruce.mackie@rtbu.com.au](mailto:bruce.mackie@rtbu.com.au)  
**Subject:** ARTBIU E2012/334 - Fresh ballot for QLD Tram and Bus Division [DLM=For-Official-Use-Only]

**For-Official-Use-Only**

Dear Mr Barden,

Please find attached letter regarding my decision to abort the ballot in Queensland for the election of two national divisional delegates from branch to national council.

All candidates are being sent a copy of this email.

Regards

**Noopur Madan | Returning Officer**

Industrial & Commercial Elections | NSW State Office

Australian Electoral Commission

T: (02) 9375 6321 | F: (02) 9375 6336



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**ELECTION  
2013**

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# RTBU

RAIL, TRAM & BUS UNION AUSTRALIA

**Mr David Vale- Manager (Organisations, Research and Advice)**  
**Fair Work Australia**  
**80 William Street**  
**East Sydney NSW 2011**

**2<sup>nd</sup> October 2012**

**Der Mr. Vale,**

The RTBU has just received the formal notification from the Australian Electoral Commission of their intent to hold Elections for the ARTBIU Scheduled National and NSW election E2012/334.

On perusal of that notice we have come across an error for the number of National Council delegates that the Queensland Branch Bus and Tram Division are entitled.

Rule 28 (3) provides that;

*The members of each National Division within each Branch shall be entitled to elect one Delegate to the National Council for each one thousand (1,000) members or part thereof provided that where the number of members of a National Division within a Branch is less than one hundred (100) there shall be no entitlement to a Delegate. The number of Delegates to which the members of a National Division within a Branch are entitled, shall be determined on the basis of the number of financial members of the National Division within the Branch at the end of the quarter immediately preceding the date for the opening of nominations for the election of Delegates.*

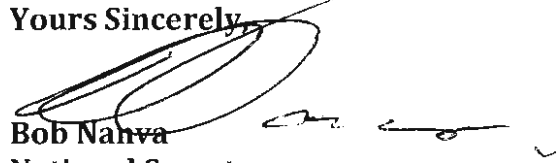
The number of delegates that the notice states, that the Queensland Tram and Bus Division are entitled to elect to National Council, is two when in fact they are entitled to elect three.

The total membership numbers for that Division is 2339.

The error was actually an error on our application of the 26<sup>th</sup> July 2012.

We seek to amend our application in order to allow the election to be conducted for the additional delegate to National Council for the Queensland Branch Tram and Bus Division.

**Yours Sincerely,**



**Bob Nahva**  
**National Secretary.**

**Appendix A**

**THIRD ADDITIONAL STATEMENT  
2<sup>ND</sup> OCTOBER 2012  
APPLICATION FOR ELECTION UNDER S189**

**THAT** I am the National Secretary and Full time Official of the Australian Rail, Tram and Bus Industry Union *trading* as THE RAIL TRAM AND BUS UNION (RTBU).

**THAT** the RTBU application for the ARTBIU Scheduled National, NSW and Tasmanian elections (E2012/334) had erroneously had the Queensland Branch Tram and Bus Division being entitled to only two delegates to National Council when they were entitled to three.

**THAT** Rule 28(3) provides that:-

***The members of each National Division within each Branch shall be entitled to elect one Delegate to the National Council for each one thousand (1,000) members or part thereof provided that where the number of members of a National Division within a Branch is less than one hundred (100) there shall be no entitlement to a Delegate. The number of Delegates to which the members of a National Division within a Branch are entitled, shall be determined on the basis of the number of financial members of the National Division within the Branch at the end of the quarter immediately preceding the date for the opening of nominations for the election of Delegates***

**THAT** the Queensland Branch Tram and Bus Division total membership is 2339.

Dated: This 2<sup>nd</sup> day of October, 2012



.....  
**BOB NANVA  
NATIONAL SECRETARY**



## MERCOVICH, Elizabeth

---

**From:** HALL, James  
**Sent:** Thursday, 4 October 2012 3:30 PM  
**To:** Industrial Elections  
**Subject:** RE: E2012/334 - ARTBIU [DLM=For-Official-Use-Only]

Hi Noopur

After discussing this matter with my superiors at FWA and with the ARTBIU, and light of your advice yesterday, FWA has decided **not** to issue any correcting decision in relation to this election.

I have advised the ARTBIU that they should lodge separate prescribed information after this election has been completed if they wish to fill the additional office.

Regards

James

---

**From:** Industrial Elections [<mailto:industrial.elections@aec.gov.au>]  
**Sent:** Wednesday, 3 October 2012 4:35 PM  
**To:** HALL, James  
**Cc:** Lee Jones  
**Subject:** RE: E2012/334 - ARTBIU [DLM=For-Official-Use-Only]

### For-Official-Use-Only

Hi James,

Thank you for your phone call and advice regarding the error on the prescribed Information submitted by the Union and need to now amend the number National Divisional Delegates from Branch to National Council representing the

Tram and Bus Division of the Queensland Branch

I wish to advise you that the election timetable has been set and a pointer Notice advertisement will be published in newspapers on 8 October 2012 and detailed Election Notices will be

published on RTBU and AEC websites from 8 October 2012 in accordance with the Union rules.

Nominations open on 29 October 2012. So any corrections that are now advised to us may be impossible to conduct as part of this election.

Thanks

Regards

**Noopur Madan | Returning Officer**  
Industrial & Commercial Elections | NSW State Office  
Australian Electoral Commission  
T: (02) 9375 6321 | F: (02) 9375 6336

---

**For-Official-Use-Only**

---

**From:** HALL, James [<mailto:james.hall@fwa.gov.au>]  
**Sent:** Wednesday, 3 October 2012 2:58 PM  
**To:** Industrial Elections  
**Subject:** E2012/334 - ARTBIU

Attention: Noopur Madan

We have been advised by the Australian Rail, Tram and Bus Industry Union that there has been an error regarding the number of National Divisional Delegates from Branch to National Council representing the Tram and Bus Division of the Queensland Branch to b potentially be elected in E2012/334.

The advice provides that three (3) such delegates should be elected. The decision issued by Fair Work Australia on 10 September 2012 (PR527162) provides that two (2) such delegates should be elected.

Please be advised that I will seek the Delegate's advice regarding issuing a correcting decision to reflect the advice received from the organisation.

I am sorry if this is an inconvenience. I will ask the organisation to make sure all the remaining number of offices provided in the decision are also correct.

Regards

**JAMES HALL**

Advisor  
Regulatory Compliance Branch - NSW  
Fair Work Australia

Level 8  
Terrace Tower  
80 William Street  
East Sydney NSW 2011

Tel: 02 8374 6690  
Fax: 02 9380 6990  
Email: [james.hall@fwa.gov.au](mailto:james.hall@fwa.gov.au)

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## **MERCOVICH, Elizabeth**

---

**From:** HALL, James  
**Sent:** Wednesday, 3 October 2012 2:58 PM  
**To:** 'Industrial Elections'  
**Subject:** E2012/334 - ARTBIU  
**Attachments:** ARTBIU E2012\_334 Advice recd \_02102012.pdf

Attention: Noopur Madan

We have been advised by the Australian Rail, Tram and Bus Industry Union that there has been an error regarding the number of National Divisional Delegates from Branch to National Council representing the Tram and Bus Division of the Queensland Branch to b potentially be elected in E2012/334.

The advice provides that three (3) such delegates should be elected. The decision issued by Fair Work Australia on 10 September 2012 (PR527162) provides that two (2) such delegates should be elected.

Please be advised that I will seek the Delegate's advice regarding issuing a correcting decision to reflect the advice received from the organisation.

I am sorry if this is an inconvenience. I will ask the organisation to make sure all the remaining number of offices provided in the decision are also correct.

Regards

**JAMES HALL**

Advisor  
Regulatory Compliance Branch - NSW  
Fair Work Australia

Level 8  
Terrace Tower  
80 William Street  
East Sydney NSW 2011

Tel: 02 8374 6690  
Fax: 02 9380 6990  
Email: [james.hall@fwa.gov.au](mailto:james.hall@fwa.gov.au)



# RTBU

RAIL, TRAM & BUS UNION AUSTRALIA



Mr David Vale- Manager (Organisations, Research and Advice)  
Fair Work Australia  
80 William Street  
East Sydney NSW 2011

2<sup>nd</sup> October 2012

Der Mr. Vale,

The RTBU has just received the formal notification from the Australian Electoral Commission of their intent to hold Elections for the ARTBIU Scheduled National and NSW election E2012/334.

On perusal of that notice we have come across an error for the number of National Council delegates that the Queensland Branch Bus and Tram Division are entitled.

Rule 28 (3) provides that;

*The members of each National Division within each Branch shall be entitled to elect one Delegate to the National Council for each one thousand (1,000) members or part thereof provided that where the number of members of a National Division within a Branch is less than one hundred (100) there shall be no entitlement to a Delegate. The number of Delegates to which the members of a National Division within a Branch are entitled, shall be determined on the basis of the number of financial members of the National Division within the Branch at the end of the quarter immediately preceding the date for the opening of nominations for the election of Delegates.*

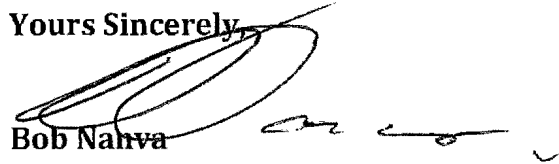
The number of delegates that the notice states, that the Queensland Tram and Bus Division are entitled to elect to National Council, is two when in fact they are entitled to elect three.

The total membership numbers for that Division is 2339.

The error was actually an error on our application of the 26<sup>th</sup> July 2012.

We seek to amend our application in order to allow the election to be conducted for the additional delegate to National Council for the Queensland Branch Tram and Bus Division.

**Yours Sincerely,**

  
**Bob Narva**  
**National Secretary.**

Appendix A

**THIRD ADDITIONAL STATEMENT  
2<sup>ND</sup> OCTOBER 2012  
APPLICATION FOR ELECTION UNDER S189**

**THAT** I am the National Secretary and Full time Official of the Australian Rail, Tram and Bus Industry Union *trading* as THE RAIL TRAM AND BUS UNION (RTBU).

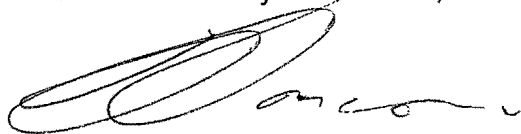
**THAT** the RTBU application for the ARTBIU Scheduled National, NSW and Tasmanian elections (E2012/334) had erroneously had the Queensland Branch Tram and Bus Division being entitled to only two delegates to National Council when they were entitled to three.

**THAT** Rule 28(3) provides that:-

***The members of each National Division within each Branch shall be entitled to elect one Delegate to the National Council for each one thousand (1,000) members or part thereof provided that where the number of members of a National Division within a Branch is less than one hundred (100) there shall be no entitlement to a Delegate. The number of Delegates to which the members of a National Division within a Branch are entitled, shall be determined on the basis of the number of financial members of the National Division within the Branch at the end of the quarter immediately preceding the date for the opening of nominations for the election of Delegates***

**THAT** the Queensland Branch Tram and Bus Division total membership is 2339.

Dated: This 2<sup>nd</sup> day of October, 2012



.....  
**BOB NANVA  
NATIONAL SECRETARY**



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**  
(E2012/334)

AILS A CARRUTHERS

MELBOURNE, 10 SEPTEMBER 2012

*Arrangement for conduct of election.*

[1] On 26 July 2012 the Australian Rail, Tram and Bus Industry Union lodged with Fair Work Australia prescribed information in relation to an election for offices and positions.

[2] On 14 and 29 August 2012 the abovenamed organisation lodged with Fair Work Australia amended and further prescribed information in relation to an election for offices and positions. The offices and positions concerned are set out in Attachment A.

[3] 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.


DELEGATE OF THE GENERAL MANAGER  
FAIR WORK AUSTRALIA

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## ATTACHMENT A

**National Offices**

National President	(1)
National Vice President (Road)	(1)
National Vice-President (Rail)	(1)
National Vice President (Affirmative Action - Women)	(1)
Assistant National Secretary (Tram and Bus Division)	(1)
Assistant National Secretary (Locomotive Division)	(1)
Assistant National Secretary (Rail Operations Division)	(1)
Assistant National Secretary (Fleet Manufacture, Overhaul, Maintenance and Service Division)	(1)
Assistant National Secretary (Infrastructure Division)	(1)
Assistant National Secretary (Administrative, Supervisory, Technical and Professional Division)	(1)

Branch Delegates to the National Executive (from the following Branches):

New South Wales Branch	(3)
Queensland Branch	(2)
Victorian Branch	(2)

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

**New South Wales Branch**

Administrative, Supervisory, Technical and Professional Division	(3)
Tram and Bus Division	(4)
Infrastructure Division	(2)
Locomotive Division	(4)
Rail Operations Division	(4)
Fleet Manufacture, Overhaul, Maintenance and Service Division	(1)

**Queensland Branch**

Administrative, Supervisory, Technical and Professional Division	(1)
Tram and Bus Division	(2)
Infrastructure Division	(2)
Locomotive Division	(2)
Rail Operations Division	(2)
Fleet Manufacture, Overhaul, Maintenance and Service Division	(1)

**South Australian/Northern Territory Branch**

Administrative, Supervisory, Technical and Professional Division	(1)
Infrastructure Division	(1)
Locomotive Division	(1)
Rail Operations Division	(1)

Victorian Branch

Administrative, Supervisory, Technical and Professional Division	(2)
Tram and Bus Division	(2)
Infrastructure Division	(1)
Locomotive Division	(2)
Rail Operations Division	(2)
Fleet Manufacture, Overhaul, Maintenance and Service Division	(1)

Tasmanian Branch

Tram and Bus Division	(1)
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**Branch Offices****New South Wales Branch**

Senior Branch Vice-President	(1)
Junior Branch Vice-President	(1)

Branch Divisional Delegates to Branch Council (as follows):

Locomotive Division

Metropolitan District	(3)
Northern District	(1)
Western District	(1)
Southern District	(1)

Rail Operations Division

Metropolitan District	(5)
Northern District	(1)
Western District	(1)
Southern District	(1)

Fleet Manufacture, Overhaul, Maintenance and Service Division

Metropolitan District	(2)
Northern, Western & Southern District	(1)

Infrastructure Division

Metropolitan District	(2)
Northern District	(1)
North Coast	(1)
Western District	(1)
Southern District	(1)

Administrative, Supervisory, Technical and Professional Division

Metropolitan District	(3)
Northern District	(1)
Western & Southern Districts	(1)
State Transit Authority	(1)
Sydney Ferries Corporation	(1)

<u>Tram and Bus Division</u>	(5)
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also:

Affirmative Action (woman) (from Tram and Bus Division)	(1)
Affirmative Action (woman) (from Rail Divisions)	(1)

**Branch Divisional Offices and positions**Locomotive DivisionBranch Locomotive Divisional Council

Sub-Divisional Representatives on Branch Divisional Committee (Council) (as follows):

Railcorp ETR Group Region 1	(1)
Railcorp ETR Group Region 2	(1)
Railcorp ETR Group Region 3	(2)
Railcorp Intercity Group	(1)
Railcorp Countrylink Group	(1)
Pacific National Intermodal Group	(1)
Pacific National Bulk Services Group	(1)
Pacific National Coal Group	(1)
Pacific National Victoria (NSW) Group	(1)
Pacific National Bluescope Group	(1)
Interail Australia Coal Group	(1)
Interail Australia Intermodal Group	(1)
Independent Railways of Australia (LVRF) Group	(1)
El Zorro Rail Group	(1)
Skilled Group	(1)
FreightLiner Group	(1)
QUBE Australia Group	(1)

Sub-Divisional Representatives (Depot Organisers) as follows:

Railcorp Group (ETR) Sub-Division

Central	(1)
Hornsby	(1)
Blacktown	(1)
Penrith	(1)
Liverpool	(1)

Mortdale	(1)
Cronulla	(1)
Waterfall	(1)
Flemington	(1)
Campbelltown	(1)
North Sydney	(1)
Auburn Maintenance Centre (AMF)	(1)

Railcorp Group (Intercity) Sub-Division

Newcastle	(1)
Gosford	(1)
Wollongong	(1)
Eveleigh	(1)
Moss Vale	(1)

Railcorp Group (Countrylink) Sub-Division

Sydney	(1)
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Pacific National Group (Intermodal) Sub-Division

Brisbane	(1)
Taree	(1)
Chullora (Sydney Freight Terminal)	(1)
Parkes	(1)
Port Kembla	(1)
Junee	(1)

Pacific National Group (Coal) Sub-Division

Lithgow	(1)
Port Kembla	(1)
Hunter Valley	(1)
Antiene	(1)

Pacific National Group (Bulk Services) Sub-Division

Morandoo	(1)
Werris Creek	(1)
Enfield	(1)
Parkes	(1)
Southern Highlands (Moss Vale)	(1)
Cootamundra	(1)
Narrabri	(1)

Interail Australia Group (Coal) Sub-Division

Kooragang (Broadmeadow)	(1)
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Independent Railways of Australia (LVRF) Group Sub-Division

Minto	(1)
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Freightliner Group (Coal)

Sandgate (1)

Rail Operations Division

Branch Divisional President (1)  
 Branch Divisional Vice-President (1)  
 Branch Divisional Secretary (1)

Sub-Divisional Representatives on Branch Divisional Committee (as follows):

Train Guards Sub-Division (1)  
 Station Wages Staff Sub-Division  
 (excluding Guards) (2)  
 Terminal Operators Sub-Division (1)  
 Signallers Sub-Division (1)  
 On-Board Passenger Train Sub-Division (1)  
 Transit Officers Wages Sub-Division (1)

Sub-Divisional positions (as follows):

Train Guards Sub-Division

Branch Sub-Division President (1)  
 Branch Sub-Division Vice President (1)  
 Branch Sub-Division Secretary (1)

Station Wages Staff Sub-Division (excluding Guards)

Branch Sub-Division President (1)  
 Branch Sub-Division Vice President (1)  
 Branch Sub-Division Secretary (1)

Terminal Operators Sub-Division

Branch Sub-Division President (1)  
 Branch Sub-Division Vice President (1)  
 Branch Sub-Division Secretary (1)

Signallers Sub-Division

Branch Sub-Division President (1)  
 Branch Sub-Division Vice President (1)  
 Branch Sub-Division Secretary (1)

On-Board Passenger Train Sub-Division

Branch Sub-Division President (1)  
 Branch Sub-Division Vice President (1)  
 Branch Sub-Division Secretary (1)

Transit Officers Wages Sub-Division

Branch Sub-Division President (1)  
 Branch Sub-Division Vice President (1)  
 Branch Sub-Division Secretary (1)

Infrastructure Division

Branch Divisional President	(1)
Branch Divisional Vice-President	(1)
Branch Divisional Secretary	(1)

Sub-Divisional Representatives on Divisional Committee (as follows):

Metropolitan District Group (Perway)	(4)
Metropolitan District Group (Signal)	(1)
Metropolitan District Group (Electrical)	(1)
Northern District Group	(1)
North Coast District Group	(1)
Southern District Group	(1)
Western District Group	(1)

Fleet Manufacture, Overhaul, Maintenance and Service Division

Branch Divisional President	(1)
Branch Divisional Vice-President	(1)
Branch Divisional Secretary	(1)

Sub-Divisional Representatives on Divisional Committee (as follows):

Metropolitan District Group	(3)
Metropolitan District Group ( Bus Engineering)	(1)
Northern District Group	(1)
Southern District Group	(1)
Western District Group	(1)

Administrative, Supervisory, Technical and Professional Division

Branch Divisional President	(1)
Branch Divisional Vice-President	(1)
Branch Divisional Secretary	(1)

Sub-Divisional Representatives on Divisional Committee (as follows):

Metropolitan District Group	(7)
Northern District Group	(1)
Southern District Group	(1)
Western District Group	(1)

Tasmanian Branch

Branch President	(1)
Branch Vice-President	(1)
Assistant Branch Secretary	(1)

Branch Divisional Delegates to Branch Council (as follows):

Tram & Bus Division	(4)
Rail Division	(1)

**Branch Divisional Offices and positions**

Tram and Bus Division

Branch Divisional President	(1)
Branch Divisional Vice-President Northern District	(1)
Branch Divisional Vice-President Southern District	(1)
Branch Divisional Secretary	(1)

Branch Sub-Divisional Representatives to Branch Divisional Committee (as follows):

Burnie Sub-Division	(1)
Launceston Sub-Division	(1)
Springfield Sub-Division	(1)
Administrative / Supervisory Sub-Division	(1)

Rail Division

Branch Divisional President	(1)
Branch Divisional Secretary	(1)

Regional Representatives to Branch Divisional Committee (as follows):

North West Coast Region	(1)
Northern Region	(1)
Southern Region	(1)



# RTBU

RAIL TRAM & BUS UNION AUSTRALIA

Mr David Vale – Manager (Organisations, Research and Advice)  
Fair Work Australia  
80 William Street  
East Sydney NSW 2011

29 August 2012

Dear Mr Vale,

Further to your letter of 20 August, please find our response to your queries.

A second additional statement is attached as APPENDIX A.



**1. National Divisional Delegates from Branch to National Council**

Under Rule 28(3)

(a) The SA&NT Branch Tram and Bus Division is not entitled to a delegate to National Council, membership having fallen below 100.

(b) The Victorian Branch Infrastructure Division is now entitled to one delegate to National Council, as membership is over 100, and below 1000.

**2. New South Wales Branch Divisional Delegates (Districts) to Branch Council**

Under Rule 98(3)

(a) The number of members in the State Transit Authority within the Administrative, Supervisory, Technical and Professional Division is 254 and entitled to one delegate.

(b) The number of members in the Sydney Ferries Corporation within the Administrative, Supervisory, Technical and Professional Division is 1 and entitled to one delegate.

**3. New South Wales Branch Locomotive Division – Sub-Divisional Committee Depot Organisers**

Under Rule 100(4)

(a) The Mount Victoria Depot within the Railcorp Group (Intercity) sub-division is entitled to one Workplace Organiser, there being 19 members.

(b) The Grafton Depot of the Pacific National Group (Bulk Services) sub-division is entitled to one Workplace Organiser, there being 10 members.

**4. New South Wales Branch Tram and Bus Divisional Council**

I will bring your observations to the attention of the NSW Branch Secretary, with a view to preparing a clarifying alteration to rule 101(3) to avoid future ambiguity.



**5. Tasmanian Branch – Tram and Bus Division – Sub Divisional Representatives on Branch Divisional Committee.**

I can confirm the term "*Divisional Depot Delegates*" on page 14 of the original prescribed information refers to the '*sub-divisional Representatives on Branch Divisional Committee*'.

**6. Request for extension of time**

I take this opportunity to formally seek an extension to the prescribed timeframes by which information is required to be furnished to FWA for the conduct of elections.

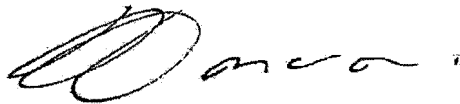
As per my correspondence of 26 July 2012, the National Council will shortly be deliberating on important rule changes which will affect the structure, offices and positions of the WA Branch.

It was intended for these changes to have taken place in such time as would allow nominations to be called for all offices (including proposed new offices in WA) concurrently.

Regrettably, complications with the aforementioned rule changes did not allow this to occur. This had resulted in a slight delay to the furnishing of relevant information to FWA.

We trust that, in these circumstances, an extension can be provided in light of the inadvertent nature of the delay.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bob Nanva', with a stylized flourish at the end.

Bob Nanva  
NATIONAL SECRETARY

APPENDIX A

**SECOND ADDITIONAL STATEMENT  
29 August 2012  
APPLICATION FOR ELECTION UNDER s189**

I, Bob Nanva, National Secretary of the Australian Rail, Tram and Bus Industry Union, hereby amend the original Prescribed Information to include the following:

**THAT** I am the National Secretary and Full Time Official of the Australian Rail, Tram and Bus Industry Union *trading as* THE RAIL, TRAM & BUS UNION;

**THAT** the SA&NT Branch Tram and Bus Division is no longer entitled to a delegate to National Council, membership having fallen below 100.

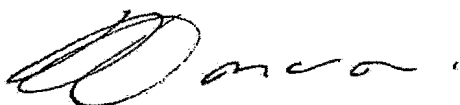
**THAT** the Victorian Branch Infrastructure Division is entitled to one delegate to National Council, as membership is over 100, and below 1000.

**THAT** the number of members of the State Transit Authority within the Administrative, Supervisory, Technical and Professional Division is 254 and are entitled to one NSW Branch Divisional Delegate (Districts) to Branch Council.

**THAT** the number of members of the Sydney Ferries Corporation within the Administrative, Supervisory, Technical and Professional Division is 1 and are entitled to one NSW Branch Divisional Delegate (Districts) to Branch Council.

**THAT** the term "*Divisional Depot Delegates*" on page 14 of the prescribed information concerning the Tasmanian Branch Tram and Bus division refers to the sub-divisional Representatives on Branch Divisional committee.

Dated: This 29<sup>th</sup> day of August, 2012



.....  
**BOB NANVA  
NATIONAL SECRETARY**



FAIR WORK  
AUSTRALIA

20 August 2012

Mr Bob Nanva  
National Secretary  
Australian Rail, Tram and Bus Industry Union  
83 - 89 Renwick Street  
REDFERN NSW 2016

Also by fax: (02) 9319 2096

Dear Mr Nanva

**Re: Arrangements for the conduct of an Election  
Australian Rail, Tram and Bus Industry Union (E2012/334)**

I refer to the prescribed information dated 26 July and 13 August 2012 which was lodged with Fair Work Australia (**FWA**) on 26 July and 14 August 2012 respectively, for the conduct of the scheduled biennial election for the National, New South Wales and Tasmanian Branches of the above named organisation.

The 'additional statement' about numbers of financial members which you provided on 13 August 2012 has enabled a complete analysis of the entitlement for offices in accordance with the Organisation's rulebook. As such, there are further amendments required for the prescribed information before a Decision can be issued. These discrepancies are outlined as follows.

**1) National Divisional Delegates from Branch to National Council**

Rule 28(3) provides entitlement for one Delegate from Branch to National Council for each 1,000 members - and no entitlement where there are less than 100 members - of a National Division within a Branch. Since the number of members in the Victorian Branch Infrastructure Division is 835 (per paragraph 2 of your additional statement) it is only entitled to one delegate. However, the prescribed information lists (on page 3) 2 delegates for this Branch Division. Also, since the number of members in the South Australian / Northern Territory Branch Tram and Bus Division is 77, it is ineligible for any delegates. However, the prescribed information lists (on page 4) one delegate for this Branch Division. Could you please amend the prescribed information by removing the above offices.

**2) New South Wales Branch Divisional Delegates (Districts) to Branch Council**

Rule 98(2) provides for the entitlement of one delegate per 800 members - or part thereof - of each District within a Branch Division, and within the Tram and Bus Division. According to the numbers provided in your additional statement, the number of offices listed in the prescribed information is correct according to the above entitlements. However, the numbers of members in the State Transit and Sydney Ferries Districts within the Administrative, Supervisory, Technical and Professional Division were not included in the graph in point 3 of your additional statement. However, the prescribed information lists one delegate for each of

these districts. Could you please provide the number of members within these Districts. Also, if there are less than 800 members in these Districts, could you please amend the prescribed information by removing these offices.

**3) New South Wales Branch Locomotive Division - Sub-Divisional Committee Depot Organisers**

Rule 100(4) provides for the entitlement of one depot organiser for workplaces of greater than 20 financial members; and for one Workplace Organiser for workplaces with less than 20 financial members. The table in point 4.2 of your additional statement indicates that the Mount Victoria Depot within the Railcorp Group (Intercity) sub-division has 19 members. As such, the Depot is entitled to one Workplace Organiser and no Depot Organisers. However, the prescribed information lists one Depot Organiser for this depot.

In addition, the table in 4.2 of your additional statement indicates that the Grafton Depot within the Pacific National Group (Bulk Services) sub-division has 10 members. As such, the Depot is also entitled to one Workplace Organiser and no Depot Organisers, but the prescribed information also lists one Depot Organiser for this depot. Could you please amend the prescribed information by removing the above two Depot Organisers and including one Workplace Organiser for each of the respective depots.

**4) New South Wales Branch Tram and Bus Divisional Council - sub-divisional representatives**

In paragraph 6 of your additional statement, you stated that per rule 101(3), the sub-divisional representatives of the NSW Tram and Bus Divisional Council are elected on a four-year cycle, and hence not due for election until 2014. I agree with your interpretation of this rule, due to the final sentence of rule 101(3). However, since both rule 47(3) and the first paragraph of rule 101(3) provide that the honorary offices have a two-year term, the final sentence of rule 101(3) appears to be ambiguous as it not only contradicts the first sentence of the rule, but also does not specifically or correctly list the titles of offices to which it refers. For instance, the offices in question are the sub-divisional representatives within the Branch Divisional Committee, but the wording in the rule refers to the "Branch Divisional Committee Representatives, Tram and Bus Division as determined in Rule 100(4)". As such, I recommend an alteration to rule 101(3) in the near future so that the titles of offices referred to are consistent with the rest of the rulebook, in order to avoid ambiguity. For the purpose of the current election however, no further amendment is required in relation to this office.


**5) Tasmanian Branch - Tram and Bus Division - Sub-Divisional Representatives on Branch Divisional Committee**

Rule 147(1) lists these offices with the above title. However, the prescribed information refers to them as "Divisional Depot Delegates" on page 14. For the purpose of clarity, could you please include an additional statement with your amended prescribed information, stating that the term "Divisional Depot Delegates" on page 14 of the original prescribed information refers to the sub-divisional Representatives on Branch Divisional Committee.

**6)** Section 189(2) of the *Fair Work (Registered Organisations) Act 2009* states that prescribed information must be lodged before the prescribed day, which under regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*, is two months before the first day when a person may become a candidate. Since s.189(2) is a civil penalty provision and the prescribed information for this election was not lodged before the prescribed day, the Delegate of the General Manager has requested a written request for an extension of time and providing reasons why the prescribed information was not lodged before the prescribed day.

If you have any questions relating to this matter please do not hesitate to contact me on (02) 8374 6509.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Vale', written in a cursive style with a large initial 'D' and a long horizontal flourish at the end.

David Vale  
Manager, Organisations, Research and Advice - NSW  
Fair Work Australia



**ADDITIONAL STATEMENT  
APPLICATION FOR ELECTION UNDER s189**

I, Bob Nanva, National Secretary of the Australian Rail, Tram and Bus Industry Union, hereby amend my original application to include the following:

1. **THAT** I am the National Secretary and Full Time Official of the Australian Rail, Tram and Bus Industry Union *trading as* THE RAIL, TRAM & BUS UNION;
  
2. **THAT** the National Divisional Delegate numbers from Branches to National Council are:

BRANCH	Admin	Infrastructure	Locomotive	Rail Operations	Fleet.. Workshop	Tram & Bus
NSW	2254	1516	3442	3719	978	3910
QLD	688	1865	1327	1264	628	2144
SA & NT	130	121	572	179	7	77
TASMANIA	2	35	32	99	12	337
VICTORIA	1,026	835	1,520	1,347	235	1,768
WA	0	241	667	454	0	2

3. **THAT** the NSW Branch Divisional Delegates (Districts) to Branch Council are:

District	Admin	Infrastructure	Locomotive	Operations	Workshop	Tram & Bus
Metropolitan	1910	983	2025	3343	912	3910
Northern	264	230	1030	269	54	
North Coast	0	39	0	0	0	0
Southern	63	84	238	84	5	
Western	17	180	149	23	7	
<b>Total</b>	<b>2254</b>	<b>1516</b>	<b>3442</b>	<b>3719</b>	<b>978</b>	<b>3910</b>

4. **THAT** the NSW Locomotive Divisional Council Sub-Divisional Representatives information is:

**Branch Locomotive Divisional Council**

1. Financial Members by Depot as at 10<sup>th</sup> August 2012

<u>Depot</u>	<u>No. of Financial members</u>
Railcorp ETR Group Region 1	: 370
Railcorp ETR Group Region 2	: 360
Railcorp ETR Group Region 3	: 525
Railcorp Intercity Group	: 414
Railcorp Countrylink Group	: 93
Pacific National Intermodal	: 225
Pacific National Bulk Services Group	: 406
Pacific National Coal Group	: 612
Pacific National Victoria (NSW) Group	: 11
Pacific National Bluescope Group	: 23
Interail Australia Coal Group	: 151
Interail Australia Intermodal Group	: 51
Independent Railways of Aust(LVRF) Group	: 28
El Zorro Rail Group	: 28
Skilled Group	: 1
Freightliner Group	: 45
Qube Australia Group	: 53

2. Financial members by Sub Division as at 10<sup>th</sup> August 2012

Sub-Divisional Representatives (Depot Organisers)

<u>Sub Division</u>	<u>No. of financial members</u>
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Railcorp ETR

Blacktown	: 72
Penrith	: 72
Hornsby	: 188
North Sydney	: 24
Flemington	: 172
Liverpool	: 41
Campbelltown	: 122
Auburn Maint Ctr(AMF)	: 26
Central	: 370
Cronulla	: 23
Mortdale	: 98
Waterfall	: 30

Railcorp Group (InterCity)

Newcastle	: 97
Gosford	: 40
Wollongong	: 75
Eveleigh	: 143

Moss Vale : 23  
Mt Victoria : 19  
Railcorp Group (CountryLink)

Sydney : 27

Pacific National Group (Intermodal)

Brisbane : 35  
Taree : 32  
Chullora (Syd Freight) : 58  
Parkes : 23  
Port Kembla : 36  
Junee : 21

Pacific National Group (Coal)

Lithgow : 47  
Port Kembla : 89  
Hunter Valley : 366  
Antiene : 34

Pacific National Group (Bulk Services)

Morandoo : 45  
Werris Creek : 73  
Enfield : 72  
Parkes : 41  
Southern Highlands  
- Moss Vale : 64  
Cootamundra : 60  
Narrabri : 23  
Grafton : 10

Interail Australia Group (Coal)

Koorangang(Broadmeadow) : 150

Independent Railways of Australia (LVRf) Group

Minto : 28

Freightliner Group (Coal)

Sandgate(Newcastle) : 45

5. **THAT** the financial membership of the Tasmanian Branch Divisions are:

*RAIL 99 financial members*

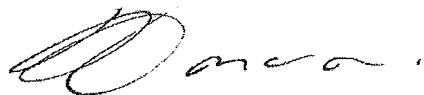
*BUS 337 financial members*

6. **THAT** as per Rule 101 (3), the NSW Tram and Bus Divisional Council Sub-Divisional Representatives are elected on a 4 year cycle, and are hence not due for election until 2014.



7. **THAT** the office of Branch Secretary of the Tasmanian Branch should be omitted from the prescribed information lodged on 26 July 2012 as the office is not required for election

Dated: This 13<sup>th</sup> day of August, 2012



.....  
**BOB NANVA**  
**NATIONAL SECRETARY**

## **MOLONEY, Carolyn**

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**From:** MOLONEY, Carolyn  
**Sent:** Friday, 10 August 2012 3:20 PM  
**To:** 'mblack@rtbu.org.au'  
**Subject:** Biennial election - Prescribed information

Hi Marilyn,

In response to your telephone enquiry, I have come to the following conclusions, after perusing the Organisation's Rulebook:

Regarding point 2 of my letter, it appears that the office of "NSW Locomotive Divisional Council - Sub-Divisional Representative on Branch Council" should be entitled "Sub-Divisional Representative on Branch Divisional Council", according to rule 100(4).

Regarding the term of office for the NSW Tram and Bus Divisional Council - Sub-Divisional Representatives on Branch Divisional Council - I think you were referring to the final sentence in rule 101(3), which refers to the "Branch Divisional Committee Representatives" in the Tram and Bus Division. I am unsure as to whether or not this encompasses the Sub-Divisional Representatives on Branch Divisional Council. In terms of FWA precedent, the quadrennial election E2010/2643 listed the office as having a 2 year term and referred to rule 101(3). This is a complex election and will need to be re-analysed by FWA before a Decision is issued. At this stage I suggest that you include the above office on the PI, however if you believe the office has a 4 year term and is not necessary in the current election, please state this as a comment underneath the listing of the office, on the amended PI.

I hope this assists you. Please do send through the amended PI and I will discuss it with my manager early next week.

Kind regards,

**CAROLYN MOLONEY**  
Administrative Officer  
Organisations, Research and Advice

**Fair Work Australia**  
Tel: 02 8374 6637  
Fax: 02 9380 6990  
[carolyn.moloney@fwa.gov.au](mailto:carolyn.moloney@fwa.gov.au)

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

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



FAIR WORK  
AUSTRALIA

3 August 2012

Mr Bob Nanva  
National Secretary  
Australian Rail, Tram and Bus Industry Union  
83 - 89 Renwick Street  
REDFERN NSW 2016

Also by fax: (02) 9319 2096

Dear Mr Nanva

**Re: Arrangements for the conduct of an Election  
Australian Rail, Tram and Bus Industry Union (E2012/334)**

I refer to your lodgment of prescribed information which was lodged with Fair Work Australia (FWA) on 26 July 2012 for the scheduled biennial election of National, New South Wales and Tasmanian Branches of the above named organisation.

- 1) The prescribed information lists several offices for which the number of financial members of a particular Branch Division are required in order to ascertain the number of those offices permitted in accordance with the Organisation's rulebook. The relevant offices and associated rules are listed below:

**National Council**

**National Divisional Delegates from Branches to National Council**

Rule 28(3) provides for the election of one delegate per 1,000 members or part thereof, provided that where the number of members of a National Division within a Branch is less than one hundred (100) there shall be no entitlement to a Delegate. The number of Delegates to which the members of a National Division within a Branch are entitled, shall be determined on the basis of the number of financial members of the National Division within the Branch at the end of the quarter immediately preceding the date for the opening of nominations for the election of Delegates.

Could you please provide the number of members of each National Division within each Branch as at the last quarter.

**New South Wales Branch Council**

**Branch Divisional Delegates (Districts) to Branch Council**

Rule 98(2) provides for the election of one delegate per 800 members of each District within each Division except the Tram and Bus Division; and one delegate per 800 members in the Tram and Bus Division.

Could you please provide the number of members in each District within each Division (except for the Tram and Bus Division); and the number of members in the Tram and Bus Division.

## **NSW Locomotive Divisional Council**

### **Sub-Divisional Representatives on Branch Council**

Rule 100(4) provides for the election of one sub-divisional representative per 500 members in each sub-divisional group.

### **Sub-Divisional Representatives (Depot Organisers)**

Rule 100(4) provides for the election of one Depot Organiser for each sub-divisional group depot that has 20 or more financial members.

Could you please provide the number of members within each sub-divisional group of the NSW Branch Locomotive Division; and the number of financial members within each sub-divisional depot.

## **Tasmanian Branch Council**

### **Branch Divisional Delegates (Districts) to Branch Council**

Rule 144(2) provides that each Branch Division shall be entitled to elect one Delegate to Branch Council per 100 financial members of the respective Branch Division (or part thereof) at the end of the quarter immediately preceding the date for the opening of nominations.

Could you please provide the number of financial members for each Tasmanian Branch Division, as at the last quarter.

- 2) In addition, the prescribed information omitted the following office, which appears to be required according to the Organisation's rulebook, and which FWA records show is due to expire shortly:

## **NSW Tram and Bus Divisional Council**

### **Sub-Divisional Representatives on Branch Council**

Rule 100(4) provides for the election of one sub-divisional representative on the NSW Tram and Bus Divisional Council for each of the regional depots. Rule 101(3) provides that these offices are honorary offices and as such, should be elected every two years per rule 47(3). The Declaration of Results for the quadrennial election E2010/2643 indicates that sub-divisional representatives from all depots except Hamilton and Pymont depots were filled between January and March 2011 (no nominations were received for the Hamilton and Pymont depots).

Could you please lodge amended prescribed information with FWA which includes the above offices to be filled in this election.

- 3) In addition, the prescribed information listed the following office, which appears not to be in this election.

## **Tasmanian Branch Council**

### **Branch Secretary**

Rules 47(2) and 147(2) provide that this office has a four-year term. FWA records show that this office was included in the quadrennial election Decision E2010/2643, so the four year term is not due to expire until 2014/15.

Could you please lodge a declaration, signed by an authorised officer of the Organisation, stating that the above office should be omitted from the prescribed information lodged on 26 July 2012 as the office is not required for election.

If you would like to discuss any of the above information, please do not hesitate to contact me on (02)8374 6637.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carolyn Moloney', with a long, sweeping flourish extending from the end of the signature.

Carolyn Moloney  
for Fair Work Australia

## TRANSACTION REPORT

03/AUG/2012/FRI 11:43

FAX (TX)

#	DATE	START T.	RECEIVER	COM. TIME	PAGE	TYPE/NOTE	FILE
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3 August 2012

Mr Bob Nanva  
 National Secretary  
 Australian Rail, Tram and Bus Industry Union  
 83 - 89 Renwick Street  
 REDFERN NSW 2016

Also by fax: (02) 9319 2096

Dear Mr Nanva

**Re: Arrangements for the conduct of an Election  
 Australian Rail, Tram and Bus Industry Union (E2012/334)**

I refer to your lodgment of prescribed information which was lodged with Fair Work Australia (FWA) on 26 July 2012 for the scheduled biennial election of National, New South Wales and Tasmanian Branches of the above named organisation.

- 1) The prescribed information lists several offices for which the number of financial members of a particular Branch Division are required in order to ascertain the number of those offices permitted in accordance with the Organisation's rulebook. The relevant offices and associated rules are listed below:

**National Council**

**National Divisional Delegates from Branches to National Council**

Rule 28(3) provides for the election of one delegate per 1,000 members or part thereof, provided that where the number of members of a National Division within a Branch is less than one hundred (100) there shall be no entitlement to a Delegate. The number of Delegates to which the members of a National Division within a Branch are entitled, shall be determined on the basis of the number of financial members of the National Division within the Branch at the end of the quarter immediately preceding the date for the opening of nominations for the election of Delegates.

Could you please provide the number of members of each National Division within each Branch as at the last quarter.

**New South Wales Branch Council**

**Branch Divisional Delegates (Districts) to Branch Council**

Rule 98(2) provides for the election of one delegate per 800 members of each District within each Division except the Tram and Bus Division; and one delegate per 800 members in the Tram and Bus Division.



# RTBU

RAIL, TRAM & BUS UNION AUSTRALIA

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 Honorary office-holders for the Australian Rail, Tram and Bus Industry Union (RTBU) for all Honorary National Offices and for Honorary offices in the New South Wales and Tasmanian Branches of the RTBU.


Please find attached 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.

I have not provided any details of the West Australian Branch offices because important Rule Changes which will affect the structure, offices and positions of that Branch are to be considered by the National Council of the RTBU. These rules changes must be adopted by National Council. The RTBU Rules require any motion for which notice has been given be considered for one month prior to any National Council meeting. On present plans, the proposed Rule changes will be voted upon by National Council in the last week of August/ first week September. This will occur just prior to the date upon which nominations are to be called for offices and the date on which nominations open. In the circumstances, some slight delay in the date for the calling of nominations is desirable.

I will write to you separately with details of the proposed changes to the West Australian Branch structure, and to request an election be held for offices in that new structure.

Can you please advise me of your decision regarding the election for all honorary National Offices and all honorary State Branches, with the exception of West Australian Branch, as soon as possible. I can be contacted on (02) 9310 3966 or [bnanva@rtbu.org.au](mailto:bnanva@rtbu.org.au) if you have any further queries.

Yours Sincerely,

  
BOB NANVA  
National Secretary



# RTBU

RAIL, TRAM & BUS UNION AUSTRALIA

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 and 189 of the *Fair Work (Registered Organisations) Act 2009*, I request that you arrange for the conduct of the election for offices and positions for the Australian Rail, Tram and Bus Industry Union (RTBU) for all honorary National Offices and positions and for honorary offices and positions in the New South Wales and Tasmanian State Branches of the RTBU.

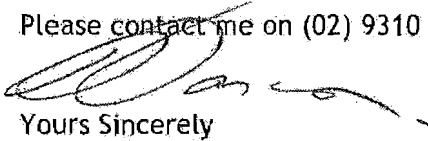
I have requested that the General Manager of Fair Work Australia arrange for an election to be conducted, and I have provided him with a copy of the prescribed information as required by Regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009*.

I have also requested that the election for offices and positions in the West Australian Branch of the RTBU not be arranged at this time, because important Rule Changes which will affect the structure, offices and positions of that Branch are to be considered by the National Council of the RTBU. These rules alterations have become necessary because of rules alterations which have occurred in the West Australian State Registered 'counterpart' union and the conduct of elections in that union which are about to be conducted by the Industrial Registrar in that state. Any election in in the West Australian branch under the present rules will present significant problems for the RTBU nationally and run counter to an agreement within the branch to restructure the branch to reflect members' wishes and to resolve a significant and potentially destructive dispute in that state.



I will write to you again, separately, regarding the West Australian Branch elections. It should be noted however that the rules alterations which I refer to will be adopted National Council by late August - thus allowing the opening of nominations to occur on or very close to, the date specified in the rules.

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

A handwritten signature in black ink, appearing to be 'Dan', written over the typed name 'Dan'.

Yours Sincerely

26/7/12

**NATIONAL SECRETARY**

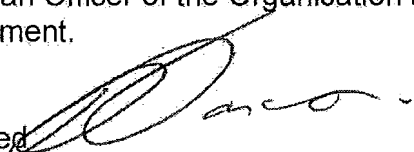
**STATEMENT / APPLICATION FOR ELECTION UNDER s189**

I, Bob Nanva, 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. 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 A to this statement.
2. The reason for the election is that the terms of the offices or positions have expired;
3. The numbers of those offices or positions where more than one is required to be elected are set out in the Attachment A to this statement.
4. The electorates for each office or position are those set out in Attachment A to this statement and as per the rules, being members of the respective and/or relevant branches, 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 under the rules is 9:00 am on the first Monday of September and 5:00 pm on the fourth Monday of September respectively. 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. We are seeking a deferrment to the West Australian Branch Elections as outlined in our correspondence in Attachment B.
8. The kind of voting system to be used is a Direct Voting system or as otherwise indicated in the Attachment C to this statement.

I am an Officer of the Organisation authorised to make and sign the above statement.

Signed



Dated

26/7/12

# **ATTACHMENT**

**A**

**RAIL TRAM AND BUS UNION**  
**ELECTION 2012 (Honorary Positions) Except Western Australia Branch**

**NATIONAL OFFICES**

**NATIONAL PRESIDENT**

**2 YEAR TERM**

Eligibility Whole of Financial Membership  
Electorate Whole of Financial Membership

**NATIONAL VICE-PRESIDENT (ROAD)**

**2 YEAR TERM**

Eligibility Whole of Tram & Bus Division Financial Membership  
Electorate Whole of Tram & Bus Division Financial Membership

**NATIONAL VICE-PRESIDENT (RAIL)**

**2 YEAR TERM**

Eligibility Whole of Financial Membership excluding Tram and Bus Division  
Electorate Whole of Financial Membership excluding Tram and Bus Division

**NATIONAL VICE-PRESIDENT (AFFIRMATIVE ACTION - WOMEN)**

**2 YEAR TERM**

Eligibility Whole of financial women membership  
Electorate Whole of financial women membership

**ASSISTANT NATIONAL SECRETARY (Administrative, Supervisory, Technical and Professional)**

**2 YEAR TERM**

Eligibility Whole of financial membership of Administrative, Supervisory, Technical and Professional Division  
Electorate Whole of financial membership of Administrative, Supervisory, Technical and Professional Division

**ASSISTANT NATIONAL SECRETARY (Infrastructure)**

**2 YEAR TERM**

Eligibility Whole of financial membership of the Infrastructure Division  
Electorate Whole of financial membership of the Infrastructure Division

**ASSISTANT NATIONAL SECRETARY (Locomotive)**

**2 YEAR TERM**

Eligibility Whole of financial membership of the Locomotive Division  
Electorate Whole of financial membership of the Locomotive Division

**ASSISTANT NATIONAL SECRETARY (Rail Operations)**

**2 YEAR TERM**

Eligibility Whole of financial membership of the Rail Operations Division  
Electorate Whole of financial membership of the Rail Operations Division

**ASSISTANT NATIONAL SECRETARY (Tram and Bus)**

**2 YEAR TERM**

Eligibility Whole of financial membership of the Tram and Bus Division  
Electorate Whole of financial membership of the Tram and Bus Division

**ASSISTANT NATIONAL SECRETARY (Fleet Manufacture, Overhaul, Maintenance & Service)**

**2 YEAR TERM**

Eligibility Whole of financial membership of Fleet Manufacture, Overhaul, Maintenance & Service Division  
Electorate Whole of financial membership of Fleet Manufacture, Overhaul, Maintenance & Service Division

**DELEGATES TO NATIONAL EXECUTIVE – NSW BRANCH**

**3 DELEGATES FOR 2 YEAR TERM**

Eligibility Whole of financial membership of the Division  
Electorate Whole of financial membership of the Division

**DELEGATES TO NATIONAL EXECUTIVE – QUEENSLAND BRANCH**

**2 DELEGATES FOR 2 YEAR TERM**

Eligibility Whole of financial membership of the Division  
Electorate Whole of financial membership of the Division

**DELEGATES TO NATIONAL EXECUTIVE – VICTORIAN BRANCH**

**2 DELEGATES FOR 2 YEAR TERM**

Eligibility Whole of financial membership of the Division  
Electorate Whole of financial membership of the Division

**BRANCH DIVISIONAL DELEGATES TO NATIONAL COUNCIL, 2 YEAR TERM**

1 Delegate for each 1,000 Members or part thereof of each Division.

**QUEENSLAND BRANCH DELEGATES**

***Administrative, Supervisory, Technical and Professional***

Eligibility & Electorate, whole of the membership of the Administrative, Supervisory, Technical and Professional Division 1

***Tram and Bus Division***

Eligibility & Electorate, whole of the membership of the Tram & Bus Division 2

***Infrastructure***

Eligibility & Electorate, whole of the membership of the Infrastructure Division 2

***Locomotive***

Eligibility & Electorate, whole of the membership of the Locomotive Division 2

<b><i>Rail Operations</i></b>	Eligibility & Electorate, whole of the membership of the Rail Operations Division	2
<b><i>Fleet, Manufacture, Overhaul, Maintenance and Service Division</i></b>	Eligibility & Electorate, whole of the membership of the Fleet, Manufacture, Overhaul, Maintenance and Service Division	1

#### **NEW SOUTH WALES BRANCH DELEGATES**

<b><i>Administrative, Supervisory, Technical &amp; Professional</i></b>	Eligibility & Electorate, whole of the membership of the Administrative, Supervisory, Technical & Professional Division	3
<b><i>Tram &amp; Bus</i></b>	Eligibility & Electorate, whole of the membership of the Tram & Bus Division	4
<b><i>Infrastructure</i></b>	Eligibility & Electorate, whole of the membership of the Infrastructure Division	2
<b><i>Locomotive</i></b>	Eligibility & Electorate, whole of the membership of the Locomotive Division	4
<b><i>Rail Operations</i></b>	Eligibility & Electorate, whole of the membership of the Rail Operations Division	4
<b><i>Fleet, Manufacture, Overhaul, Maintenance and Service Division</i></b>	Eligibility & Electorate, whole of the membership of the Fleet, Manufacture, Overhaul, Maintenance and Service Division	1

#### **VICTORIAN BRANCH DELEGATES**

<b><i>Administrative, Supervisory, Technical &amp; Professional</i></b>	Eligibility & Electorate, whole of the membership of the Administrative, Supervisory, Technical & Professional Division	2
<b><i>Tram &amp; Bus</i></b>	Eligibility & Electorate, whole of the membership of the Tram & Bus Division	2
<b><i>Infrastructure</i></b>	Eligibility & Electorate, whole of the membership of the Infrastructure Division	2

**Locomotive** Eligibility & Electorate, whole of the membership of the Locomotive Division 2

**Rail Operations** Eligibility & Electorate, whole of the membership of the Rail Operations Division 2

**Fleet, Manufacture, Overhaul, Maintenance and Service Division**  
Eligibility & Electorate, whole of the membership of the Fleet, Manufacture, Overhaul, Maintenance and Service Division 1

#### **SOUTH AUSTRALIAN/ NORTHERN TERRITORY BRANCH DELEGATES**

**Administrative, Supervisory, Technical & Professional**  
Eligibility & Electorate, whole of the membership of the Administrative, Supervisory, Technical & Professional Division 1

**Tram & Bus** Eligibility & Electorate, whole of the membership of the Tram & Bus Division 1

**Infrastructure** Eligibility & Electorate, whole of the membership of the Infrastructure Division 1

**Locomotive** Eligibility & Electorate, whole of the membership of the Locomotive Division 1

**Rail Operations** Eligibility & Electorate, whole of the membership of the Rail Operations Division 1

#### **TASMANIAN BRANCH DELEGATES**

**Tram & Bus** Eligibility & Electorate, whole of the membership of the Tram & Bus Division 1

## BRANCH OFFICES - NSW

### BRANCH

Senior Branch Vice-President Elected by and from the first Branch Council Meeting  
Junior Branch Vice-President Elected by and from the first Branch Council Meeting

### DIVISIONS

#### Rail Operations Division

Electorate	Branch Divisional President	Hon	1
All Ops Division	Branch Divisional Vice-President	Hon	1
Members	Branch Divisional Secretary	Hon	1

#### Infrastructure Division

Electorate	Branch Divisional President	Hon	1
All Infrastructure	Branch Divisional Vice-President	Hon	1
Division Members	Branch Divisional Secretary	Hon	1

#### Fleet, Manufacture, Overhaul, Maintenance and Service Division

Electorate	Branch Divisional President	Hon	1
All W/Shops Division	Branch Divisional Vice-President	Hon	1
Members	Branch Divisional Secretary	Hon	1

#### Administrative, Supervisory, Technical and Professional Division

Electorate	Branch Divisional President	Hon	1
All Admin Division	Branch Divisional Vice-President	Hon	1
Members	Branch Divisional Secretary	Hon	1

### BRANCH DIVISIONAL DELEGATES TO BRANCH COUNCIL

Each Branch Divisional District shall be entitled to 1 Delegate for each 800 Members or part thereof.

#### Locomotive Division

Metropolitan	3
Northern	1
Western	1
Southern	1

#### Rail Operations Division

Metropolitan	5
Northern	1
Western	1
Southern	1



**Infrastructure Division**

Metropolitan	2
Northern	1
North Coast	1
Western	1
Southern	1

**Fleet, Manufacture, Overhaul, Maintenance and Service Division**

Metropolitan	2
Northern, Southern & Western combined	1

**Administrative, Supervisory, Technical and Professional Division**

Metropolitan	3
Northern	1
Western & Southern Combined	1
State Transit Authority	1
Sydney Ferries Corporation	1

**Tram & Bus Division**

1 Delegate for each 800 Members or part thereof 5

**BRANCH COUNCIL DELEGATE AFFIRMATIVE ACTION (WOMAN) FROM TRAM & BUS DIVISION (1)**

Eligibility and Electorate from the whole of the female membership of the Tram & Bus Division.

**BRANCH COUNCIL DELEGATE AFFIRMATIVE ACTION (WOMAN) FROM RAIL DIVISIONS (1)**

Eligibility and Electorate from the whole of the female Branch Membership within the following Divisions:

Rail Operations, Infrastructure, Fleet, Manufacture, Overhaul, Maintenance and Service, Administrative, Supervisory, Technical and Professional and Locomotive.

**DIVISIONAL COMMITTEE**

Eligibility for Divisional Committee membership within the relevant Divisional Group.

**RAIL OPERATIONS**

Eligibility and Electorate from the whole of the membership of the respective Rail Operations Sub-Divisional Groups.

Each Group within the Branch Rail Operations Division shall be entitled to representatives on the Divisional Committee as set out in the following schedule:-

Train Guards Sub-Division	Honorary	1
Station Wages Staff Sub-Division (excluding Guards)	Honorary	2
Terminal Operators Sub-Division	Honorary	1
Signallers Sub-Division	Honorary	1
On-Board Passenger Train Sub-Division	Honorary	1
Transit Officers Wages Sub-Division	Honorary	1

(The Sub-Divisional Secretary of each of the Sub-Divisions shall be represented on the Rail Operations Divisional Committee ex-officio)

### **SUB-DIVISIONS OF RAIL OPERATIONS DIVISION**

Eligibility and Electorate from the whole of the membership of the respective Sub-Divisions.

#### **Train Guards Sub-Division**

Sub-Divisional President	Honorary	1
Sub-Divisional Vice-President	Honorary	1
Sub-Divisional Secretary	Honorary	1

#### **Station Wages Staff Sub-Division**

Sub-Divisional President	Honorary	1
Sub-Divisional Vice-President	Honorary	1
Sub-Divisional Secretary	Honorary	1

#### **Terminal Operators Sub-Division**

Sub-Divisional President	Honorary	1
Sub-Divisional Vice-President	Honorary	1
Sub-Divisional Secretary	Honorary	1

#### **Signallers Sub-Division**

Sub-Divisional President	Honorary	1
Sub-Divisional Vice-President	Honorary	1
Sub-Divisional Secretary	Honorary	1

#### **On-Board Passenger Train Sub-Division**

Sub-Divisional President	Honorary	1
Sub-Divisional Vice-President	Honorary	1
Sub-Divisional Secretary	Honorary	1

#### **Transit Officers Wages Sub-Division**

Sub-Divisional President	Honorary	1
Sub-Divisional Vice-President	Honorary	1
Sub-Divisional Secretary	Honorary	1

## **INFRASTRUCTURE DIVISION**

Each of the following Groups shall be entitled to a Representative or Representatives on the Branch Divisional Committee as set out below:-

Metropolitan District Group (Perway)	Eligibility and Electorate whole of the membership of the Infrastructure Metropolitan District Group Perway	Honorary	4
(Signal)	Eligibility and Electorate whole of the membership of the Infrastructure Metropolitan District Group Signal	Honorary	1
(Electrical)	Eligibility and Electorate whole of the membership of the Infrastructure Metropolitan District Group Electrical	Honorary	1
Northern District Group	Eligibility and Electorate whole of the membership of the Infrastructure Northern District Group	Honorary	1
North Coast District Group	Eligibility and Electorate whole of the membership of the Infrastructure North Coast District Group	Honorary	1
Western District Group	Eligibility and Electorate whole of the membership of the Infrastructure Western District Group	Honorary	1
Southern District Group	Eligibility and Electorate whole of the membership of the Infrastructure Southern District Group	Honorary	1

## **FLEET, MANUFACTURE, OVERHAUL, MAINTENANCE AND SERVICE DIVISION**

Each of the following Groups shall be entitled to a Representative or Representatives on the Branch Divisional Committee as set out below:-

Metropolitan District Group	Eligibility and Electorate Whole of the membership of the Workshops Metropolitan District Group	Honorary	3
(Bus Engineering)	Eligibility and Electorate Whole of the membership of the Workshops Metropolitan District Group Bus Engineering	Honorary	1
Northern District Group	Eligibility and Electorate Whole of the membership of the Workshops Northern District Group	Honorary	1
Southern District Group	Eligibility and Electorate Whole of the membership of the Workshops Southern District Group	Honorary	1
Western District Group	Eligibility and Electorate Whole of the membership of the Workshops Western District Group	Honorary	1

## **ADMINISTRATIVE, SUPERVISORY, TECHNICAL AND PROFESSIONAL DIVISION**

Each of the following Groups shall be entitled to a Representative or Representatives on the Branch Divisional Committee as set out below:-

Metropolitan District Group	Eligibility and Electorate Whole of the membership of the Admin, Supervisory, Technical & Professional Metropolitan District Group	Honorary	7
Northern District Group	Eligibility and Electorate Whole of the membership of the Admin, Supervisory, Technical & Professional Northern District Group	Honorary	1
Western District Group	Eligibility and Electorate Whole of the membership of the Admin, Supervisory, Technical & Professional Western District Group	Honorary	1

Southern District Group	Eligibility and Electorate Whole of the membership of the Admin, Supervisory, Technical & Professional Southern District Group	Honorary	1
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## LOCOMOTIVE DIVISION

### Branch Locomotive Divisional Council

<b>RailCorp ETR Group Region 1</b> Electorate	1	Honorary
<i>The whole membership in the Division section of ETR 1 which includes the depots of Blacktown, Penrith, Richmond, Hornsby and North Sydney.</i>		
<b>RailCorp ETR Group Region 2</b> Electorate	1	Honorary
<i>The whole membership in the Division section of ETR 2 which includes the depots of Flemington, Auburn Maintenance Centre (AMF), Liverpool and Campbelltown.</i>		
<b>RailCorp ETR Group Region 3</b> Electorate	2	Honorary
<i>The whole membership in the Division section of ETR 3 which includes the depots of Central, Cronulla, Mortdale and Waterfall.</i>		
<b>RailCorp InterCity Group</b> Electorate	1	Honorary
<i>The whole membership in the Division section of RailCorp Intercity Group which includes the depots of Lithgow, Mt Victoria, Newcastle, Gosford, Moss Vale, Wollongong and Eveleigh.</i>		
<b>RailCorp Countrylink Group</b> Electorate	1	Honorary
<i>The whole membership in the Division section of RailCorp Countrylink Group which includes the depots of Dubbo, Goulburn, Grafton, Junee, Taree, Werris Creek and Sydney.</i>		
<b>Pacific National Intermodal Group</b> Electorate	1	Honorary
<i>The whole membership in the Division section of Pacific National Group Intermodal which includes the depots of Brisbane, Taree, Chullora (Sydney Freight Terminal), Parkes, Broken Hill, Port Kembla and Junee.</i>		
<b>Pacific National Bulk Services Group</b> Electorate	1	Honorary
<i>The whole membership in the Division section of Pacific National Group Bulk Services which includes the depots of Werris Creek, Narrabri, Morandoo, Enfield, Southern Highlands (Moss Vale), Nowra, Parkes, Dubbo, Cootamundra, Junee and Grafton.</i>		

<b>Pacific National Coal Group</b> Electorate	1	Honorary
<i>The whole membership in the Division of Pacific National Group Coal which includes the depots of Hunter Valley, Mudgee, Gunnedah, Port Kembla – Inner Harbour, Port Kembla – BHP Billiton, Lithgow and Antiene.</i>		
<b>Pacific National Victoria (NSW) Group</b> Electorate	1	Honorary
<i>The whole membership in the Division of Pacific National Victoria (NSW) Group.</i>		
<b>Pacific National Bluescope Group</b> Electorate	1	Honorary
<i>The whole membership in the Division section of Bluescope Group.</i>		
<b>Interail Australia Coal Group</b> Electorate	1	Honorary
<i>The whole membership in the Division section of Interail Group Coal which includes the depots at Kooragang (Broadmeadow) and Duralle.</i>		
<b>Interail Australia Intermodal Group</b> Electorate	1	Honorary
<i>The whole membership in the Division section of Interail Group Intermodal which includes the depots at Acacia Ridge, Taree, Junee and Yennora.</i>		
<b>Independent Railways of Australia (LVRF) Group</b> Electorate	1	Honorary
<i>The whole membership in the Division of Independent Railways of Australia Group.</i>		
<b>El Zorro Rail Group</b> Electorate	1	Honorary
<i>The whole membership in the Division section of El Zorro Group.</i>		
<b>Skilled Group</b> Electorate	1	Honorary
<i>The whole membership in the Division section of Skilled Group.</i>		
<b>Freightliner Group</b> Electorate	1	Honorary
<i>The whole membership in the Division section of Freightliner Group.</i>		
<b>QUBE Australia Group</b> Electorate	1	Honorary
<i>The whole membership in the Division section of QUBE Australia Group.</i>		

### Locomotive Division Sub Division Committee

In accordance with Rule 100 (4) For each Sub Division the honorary position of Depot Organiser shall be created from workplaces with greater than 20 financial members.

The Electorate shall be the membership from each workplace within the Sub-Division with greater than 20 financial members. Eligibility shall be based on the membership from each Sub-Division.

For workplaces with less than 20 members the election of Workplace Organiser will be conducted by that sub-division within two months of the declaration of the ballot for the positions of Depot Organiser.

### Sub-Divisions

#### RailCorp Group ETR

Blacktown	1	Honorary
Penrith	1	Honorary
Hornsby	1	Honorary
North Sydney	1	Honorary
Flemington	1	Honorary
Liverpool	1	Honorary
Campbelltown	1	Honorary
Auburn Maintenance Centre (AMF)	1	Honorary
Central	1	Honorary
Cronulla	1	Honorary
Mortdale	1	Honorary
Waterfall	1	Honorary

#### RailCorp Group (InterCity)

Newcastle	1	Honorary
Gosford	1	Honorary
Wollongong	1	Honorary
Eveleigh	1	Honorary
Moss Vale	1	Honorary
Mt Victoria	1	Honorary

#### RailCorp Group (Countrylink)

Sydney	1	Honorary
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#### Pacific National Group (Intermodal)

Brisbane	1	Honorary
Taree	1	Honorary
Chullora (Sydney Freight Terminal)	1	Honorary
Parkes	1	Honorary
Port Kembla	1	Honorary
Junee	1	Honorary

**Pacific National Group (Coal)**

Lithgow	1	Honorary
Port Kembla	1	Honorary
Hunter Valley	1	Honorary
Antiene	1	Honorary

**Pacific National Group (Bulk Services)**

Morandoo	1	Honorary
Werris Creek	1	Honorary
Enfield	1	Honorary
Parkes	1	Honorary
Southern Highlands (Moss Vale)	1	Honorary
Cootamundra	1	Honorary
Narrabri	1	Honorary
Grafton	1	Honorary

**Interail Australia Group (Coal)**

Kooragang (Broadmeadow)	1	Honorary
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**Independent Railways of Australia (LVRF) Group**

Minto	1	Honorary
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**Freightliner Group (Coal)**

Sandgate	1	Honorary
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## BRANCH OFFICES - TASMANIA

BRANCH PRESIDENT (Honorary Office)  
Eligibility Whole of Branch Membership  
Electorate Whole of Branch Membership

BRANCH VICE-PRESIDENT (Honorary Office)  
Eligibility Whole of Branch Membership  
Electorate Whole of Branch Membership

BRANCH SECRETARY (Paid Casual Position)  
Eligibility Whole of Branch Membership  
Electorate Whole of Branch Membership

ASSISTANT BRANCH SECRETARY (Honorary Office)  
(ex officio Divisional Secretary from the Division not providing the Branch Secretary)

### TRAM & BUS DIVISION

BRANCH DIVISIONAL PRESIDENT (1) BUS AND TRAM DIVISION  
Eligibility Whole membership Bus & Tram Division  
Electorate Whole membership Bus & Tram Division

#### BRANCH DIVISION VICE PRESIDENTS (2)

##### NORTHERN (1)

Eligibility from combined membership of Burnie and Launceston Bus & Tram Division.  
Electorate from combined membership of Burnie and Launceston Bus & Tram Division.

##### SOUTHERN (1)

Eligibility from membership of Springfield Bus & Tram Sub-Division.  
Electorate from membership of Springfield Bus & Tram Sub-Division

#### BRANCH DIVISIONAL SECRETARY (1) BUS & TRAM DIVISION (Honorary Office)

Eligibility Whole of membership Bus & Tram Division  
Electorate Whole of membership Bus & Tram Division

#### DIVISIONAL DEPOT DELEGATES (Honorary Offices)

##### BURNIE (1)

Eligibility from membership of Burnie Bus & Tram Sub-Division  
Electorate from membership of Burnie Bus & Tram Sub-Division

**LAUNCESTON (1)**

Eligibility from membership of Launceston Bus & Tram Sub-Division  
Electorate from membership of Launceston Bus & Tram Sub-Division

**SPRINGFIELD (1)**

Eligibility from membership of Springfield Bus & Tram Sub-Division  
Electorate from membership of Springfield Bus & Tram Sub-Division

**ADMINISTRATIVE & CLERICAL (1)**

Eligibility from membership of Administrative & Clerical Bus & Tram Sub-Division  
Electorate from membership of Administrative & Clerical Bus & Tram Sub-Division

**DIVISIONAL DELEGATES TO BRANCH COUNCIL (4)**

**RAIL DIVISION**

**BRANCH DIVISIONAL PRESIDENT (1)** (Honorary Office)

Eligibility Whole membership Rail Division  
Electorate Whole membership Rail Division

**BRANCH DIVISIONAL SECRETARY (1)** (Honorary Office)

Eligibility Whole membership Rail Division  
Electorate Whole membership Rail Division

**REGIONAL REPRESENTATIVES TO BRANCH DIVISIONAL COMMITTEE**

**NORTH WEST REGION (1)** (Honorary Office)

Eligibility Whole 0364 membership Rail Division  
Electorate Whole 0364 membership Rail Division

**NORTHERN (1)** (Honorary Office)

Eligibility Whole 0363 membership Rail Division  
Electorate Whole 0363 membership Rail Division

**SOUTHERN (1)** (Honorary Office)

Eligibility Whole 0362 membership Rail Division  
Electorate Whole 0362 membership Rail Division

**DIVISIONAL DELEGATE TO BRANCH COUNCIL (1)**

**ATTACHMENT**

**B**



# RTBU

RAIL, TRAM & BUS UNION AUSTRALIA

**Mr Stephen Kellert**  
The General Manager  
Fair Work Australia  
GPO Box 1994  
Melbourne,  
VIC 3001

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

I write further to my earlier correspondence regarding the upcoming elections for offices in the Western Australian Branch. I have foreshadowed in that correspondence the reasons why the RTBU seeks the agreement of FWA (and consequently the AEC) to the slight deferment of the calling of nominations in that branch.

The request arises because important Rule Changes which will affect the structure, offices and positions of that Branch are to be considered by the National Council of the RTBU.

As stated earlier, these rules alterations have become necessary because of rules alterations which have occurred in the West Australian State Registered 'counterpart' union and elections in that union which are about to be conducted by the West Australian Industrial Registrar. The rules alterations which are in the process of adoption, will provide for two branches of the RTBU to replace the present Western Australian Branch. Those two branches will cover RTBU members in Western Australia - the first will cover members employed by the Public Transport Authority of Western Australia (or who are employed in or in connection with the activities of the Public Transport Authority), the second will cover members employed by other employers in Western Australia (e.g. Freight Rail and Infrastructure).

The decision to re-constitute the branch into two branches was made following a protracted dispute within the Branch primarily concerning Public Transport Authority employees. The origins of this dispute coincided with the discovery that the branch of the federal RTBU did not - as previously believed by officials - have 'counterpart' status under section 71 the Industrial Relations Act (1979) WA. You will be aware that section 71 the Industrial Relations Act (1979) WA permits (for practical purposes) the relevant state registered union (in this case the Australian Rail Tram and Bus Industry Union Western Australian Branch, Union of Employees) to be administered as a single entity with the relevant 'federal counterpart' (in this case the Australian Rail Tram and Bus Industry Union Western Australian Branch).

The Industrial Relations Act (1979) WA stipulates that it necessary for a Full Bench of the Western Australian Industrial Relations Commission to be satisfied that a certificate may be granted. A section 71 certificate had been granted by the Full Bench many years ago and on the faith of that certificate, the two entities were operated as one. There were (at least) two significant flaws in the assumption by officials that the certificate continued to operate.

The first - and legally fatal to the certificate - was that the for Australian Railways Union of Workers, West Australian Branch (as the RTBU then was) amalgamated with the state registered union of locomotive drivers , known as the West Australian Locomotive Engine Drivers', Firemen's and Cleaners' Union of Workers. Following that amalgamation, no fresh section 71 certificate was obtained because the belief of officials appeared to be that none was necessary. It should be noted that this was a view widely held among officials of many unions in Western Australia. [Thompson & Ors v Reynolds & CFMEU (2009) WAIRC 00024 January 23rd, 2009 (Per Ritter Acting President)]

The Full Bench of the WAIRC on July 11, 2012 [Re application by the RTBU West Australian Branch (union of employees) 2012 WAIRC 00431] explained this history:

*"5. The union became registered as an organisation under the Act on 12 March 1999 when the Australian Railways Union of Workers, (WA Branch) and The West Australian Locomotive Engine Drivers', Firemen's and Cleaners' Union of Workers amalgamated: (1999) 79 WAIG 975. Since the time of registration the union operated under the incorrect assumption that an effective s 71 certificate was in place. If a valid certificate had been in place there would have been no necessity for separate elections for office bearers as officers in the union's counterpart Federal body could hold office in the State body. As a consequence of this assumption, since 1999 the union failed to call for elections for office bearers and it failed to keep a proper and current list of its members. These facts became apparent recently. In 2009, Acting President Ritter delivered his decision in Thompson v Reynolds [2009] WAIRC 00024; (2009) 89 WAIG 287. In that matter and in other related matters it was revealed that The Construction, Forestry, Mining and Energy Union of Workers did not have an operative s 71 certificate. Following the delivery of the decision in Thompson v Reynolds a review of registered organisations was conducted by the Registrar and it was revealed that a number of organisations registered under the Act did not have s 71 certificates or did not have s 71 certificates that had current operative effect. As a result of the review, a number of organisations have recently taken steps to regularise their affairs and modernise their rules. One of the organisations that took such steps is the union in this matter."*

The second matter which presented significant problems was the fact that the industrial coverage of the state registered Rail Tram and Bus Industry Union Western Australian Branch, Union of Employees) was confined to the public sector, whereas the industrial coverage of the RTBU extends across both private and public sectors.

Proceedings before the WAIRC - and the resolution of the dispute within the branch - involved protracted internal discussions and the development of a complex legal strategy to re-constitute the state registered union. This involved, among other things, the re-writing of the rules of the state registered union. The new rules were endorsed by the Full Bench on July 11, 2012 [Re application by the RTBU West Australian Branch (union of employees) 2012 WAIRC 00431] and an election will be shortly held for positions in the Union. The history of the matter is usefully set out in the decision of the Full Bench.

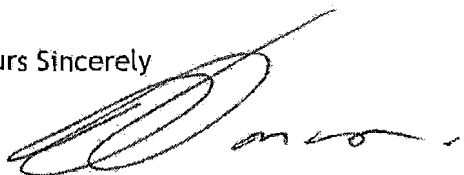
Given the significance of the problems identified in Western Australia and the complexity of achieving a resolution, an election in in the West Australian branch under the present rules will present significant problems for the RTBU nationally and run counter to the agreement within the branch to restructure the branch to reflect members' wishes and to resolve what might otherwise become a significant and potentially extremely destructive dispute within that state - with national implications for the federal union.

It should be noted however that the rules alterations to which I refer will be adopted National Council by late August/ early September - thus allowing the opening of nominations to occur on or very close to, the date specified in the rules.

I look forward to your favourable consideration of this request.

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

Yours Sincerely



26/7/12

NATIONAL SECRETARY

c Lee Jones AEC

# **ATTACHMENT**

## **C**

#### 71 - ELECTION TIMETABLE AND ASSUMPTION OF OFFICE

- (14) An appeal right shall be exercised within fourteen days of receipt of written advice of the decision of the Executive by notice in writing to the National Secretary or the Branch Secretary, as the case may be, or, where the National Secretary or the Branch Secretary is the person charged, to the National President or the Branch President, as the case may be. In hearing such appeal, the Council shall follow the same proceedings and accord the Office Bearer the same rights as are provided for in this Rule in relation to the hearing of the matter by the Executive.
- (15) A Branch Office Bearer shall have a further right of appeal from the Branch Council to the National Executive, whose decision shall be final.

#### PART VIII - ELECTIONS

#### **70 - ELECTIONS FOR OFFICES**

Elections for all Offices within the Union shall take place in accordance with the provisions of this Part.

#### **71 - ELECTION TIMETABLE AND ASSUMPTION OF OFFICE**

- (1) Except as provided in Sub-Rule 71(3), the timetable for elections within the Union, other than elections to fill a casual vacancy, shall be as follows:-
  - (i) nominations shall open at 9.00am on the first Monday in September of an election year and shall close at 5.00pm on the fourth Monday in September in that year.
  - (ii) where a ballot is necessary, the ballot shall commence at 9.00am on the first Monday in November of an election year and shall conclude at 5.00pm on the fourth Monday in November of that year.

Provided that the National Executive may, in the case of elections for National Offices, and a Branch Council may, in the case of elections for Branch Offices, vary this timetable in exceptional circumstances.

- (2) The ballot shall be declared as soon as practicable after the counting of the votes. Successful candidates shall take office on and from the declaration of the ballot.
- (3) Where an Office is to be filled through a collegiate election under these Rules, the election shall take place at the first meeting of the electoral college following elections for the members of the college. The ballot shall be declared at that meeting and the successful candidate shall take office forthwith.
- (4) For the election of the President, Vice President and Junior Vice President of the Tram and Bus Division of the Queensland Branch, the nominations will be called one week from the declaration of the poll for Sub Divisional Representatives. Nominations will close one week after they are called. One week will be allowed for withdrawal of nominations and a ballot will occur within fourteen (14) days after withdrawal of nominations closing.



## 73 - ELECTION PROCEDURES

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### 72 - RETURNING OFFICERS

- (1) The National Council shall appoint a National Returning Officer who shall, subject to any statutory provision regarding the conduct of elections, conduct all National elections and ballots.
- (2) The National Council may appoint an Assistant Returning Officer or Officers to assist the National Returning Officer.
- (3) A Branch Council shall appoint a Branch Returning Officer who shall, subject to any statutory provision regarding the conduct of elections, conduct all Branch elections and ballots.
- (4) A Branch Council shall appoint an Assistant Branch Returning Officer or Officers to assist the Branch Returning Officer.
- (5) The National and the Branch Returning Officers and Assistant Returning Officers shall not be Office Bearers within or employees of the Union.

### 73 - ELECTION PROCEDURES

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

- (i) The Returning Officer shall call for nominations at least three weeks before the date on which nominations open by a notice published in a union journal or by circulars addressed to members or by the insertion of an advertisement in a newspaper or newspapers circulating throughout the electorate. Such notices shall specify the date on which nominations will open and will close, the dates upon which the ballot will open and will close, the manner in which nominations can be made and the eligibility requirements for nomination. Where the office or offices for which elections are held are paid positions, the notice shall specify the location, duties and responsibilities of the Office.
- (ii) Nominations shall be in writing and shall be signed by the nominee.
- (iii) If the Returning Officer finds that a nomination is defective, he/she shall, before rejecting the nomination, notify the person concerned of the defect and where it is practicable to do so, give him or her the opportunity of remedying the defect within not less than seven days but not more than ten days after he or she has been notified.
- (iv) A member nominating for any office may withdraw his/her nomination by advising the Returning Officer in writing at any time after the opening date for receipt of nominations but not later than ten days after the closing date for the receipt of nominations.
- (v) A candidate in any election shall be entitled to appoint, by notice in writing to the Returning Officer, another person to act at his/her own expense as a scrutineer on his/her behalf. Such scrutineer shall be entitled to be present at all stages of the ballot and may draw the attention of the Returning Officer to any complaint which he/she has regarding the ballot, but he/she shall not interfere in the counting of the ballot or handle any ballot paper or ballot envelope without the permission of the Returning Officer. The Returning Officer shall, if requested by any scrutineer, inform the scrutineer of the times and places at which the various stages of the ballot will be conducted.

73 - ELECTION PROCEDURES

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- (vi) Except in the case of Offices which represent members in the Tram and Bus Division only, a candidate in an election shall be entitled to support his/her candidature in National and Branch Journals and may submit articles for this purpose.
- (vii) If the number of nominations does not exceed the number of vacancies, the Returning Officer shall declare the nominee(s) duly elected. Nominees declared duly elected shall not, however, take Office until the day following the date on which a ballot would have concluded pursuant to the provisions of Rule 71.
- (viii) If the number of nominations exceeds the number of vacancies, a secret postal ballot of all financial members within the relevant electorate, shall be held.
- (ix) Where a ballot is necessary, the Returning Officer shall cause to be printed ballot papers which are oblong in shape and show the name, classification and work location of each candidate. All ballot papers shall be printed bearing the signature of the Returning Officer imposed on a facsimile of the Union's Seal. No vote shall be valid unless the ballot paper bears the signature of the Returning Officer imposed upon a facsimile of the Union's Seal. The names of the candidates shall appear on the ballot paper as decided by lot. One ballot paper may contain provision for voting in respect of more than one election.
- (x) The Returning Officer shall also cause to be printed declaration envelopes marked "Ballot Paper" and other prepaid envelopes bearing the address of the Returning Officer. Both the declaration envelopes and the prepaid envelopes shall comply with the forms prescribed by the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003. In addition, the removable flap or label shall also have printed on it a number corresponding to a number appearing opposite the financial member's name on the list of voters.
- (xi) The Returning Officer shall prepare or cause to be prepared a voters' roll containing the name and last known postal address including postcode of each and every member within the electorate, who is a financial member on the day the roll of voters closes. The voters' roll shall close seven (7) days before the date the nominations open. The closing of the roll of voters is not to be taken to prevent the correction of errors in the roll after that day up to but not extending beyond a date seven days prior to the commencing date for the conduct of the ballot.
- (xii) The Returning Officer shall keep a record of the number of ballot papers printed, the number issued by him/her and the number used and unused and, in his/her written declaration of the poll, shall account for every ballot paper printed.
- (xiii) The Returning Officer shall issue by pre-paid post to each financial member within the electorate, a Ballot Paper as specified, together with a declaration envelope marked "Ballot Paper" suitable for containing the Ballot Paper and supply therewith to each voter a pre-paid envelope addressed to the Returning Officer.
- (xiv) The Returning Officer shall arrange for a post office box to which ballot papers may be forwarded and shall arrange, so far as is possible, that such post office box is not able to be accessed by persons other than himself/herself (post office staff excepted).
- (xv) The Returning Officer shall instruct each voter in the manner in which a vote is to be recorded on the ballot paper.

#### 74 - METHOD OF VOTING

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

#### 74 - METHOD OF VOTING

Except as provided Parts X to XV of these Rules, the method of voting for National and Branch Offices shall be first past the post. Accordingly, voters shall place a cross in each square of the ballot paper opposite the name(s) of the candidate(s) of his/her choice up to but not exceeding the number of candidates required to be elected. A mark other than a cross shall be regarded as a valid vote provided that the Returning Officer is of the view that the ballot paper clearly indicates the voter's intention. Where the number of candidates to be elected exceeds one, a vote shall be valid notwithstanding that the voter does not exercise his/her right to cast his/her vote for the total number of candidates to be elected.

**75 - ELECTION PROCEDURES: TRAM AND BUS DIVISION**

- (1) All voting for National or Branch Offices which represent members within the Tram and Bus Division only, shall be by attendance ballot.
- (2) Elections for National or Branch Offices which represent members within the Tram and Bus Division only, shall be conducted in accordance with the timetable specified in Rule 71 with the necessary changes being made and be conducted by the National or Branch Returning Officers appointed pursuant to Rule 72. In addition, the provisions of Rule 73, with the exception of paragraphs (viii), (x), (xiii), (xiv), (xvi), (xvii) and (xviii), shall apply to such elections.

Members shall be notified by printed circulars setting out all positions for which an election is to be conducted by the Returning Officer. Such circulars to be posted in all work centres e.g. Depots, Sheds, Offices, Departments etc. where the Division members are employed. These circulars shall be displayed for at least three weeks prior to the closing of nominations.

- (3) If the number of nominations exceeds the number of vacancies, the Returning Officer shall arrange for a secret ballot to be held of all financial members within the relevant electorate. Such ballot shall be conducted by the Returning Officer over two days within the State of Victoria and over one day within other States within the ballot period specified in Rule 71 and the Returning Officer shall ensure that all members are advised of the time and place at which they may cast their votes.

The ballot of financial members of the Division shall be held on the same day/days. Where the ballot is held on one day the ballot must be held on the Thursday of the third full week in November. Where the ballot is held over two days the ballot must be held on the Wednesday and Thursday of the third full week of November. The time(s) for polling shall be 7.00 a.m. to 4.30 p.m. on the day(s) of the ballot. Members shall be notified by printed circular of the time and date(s) of polling, circulars to be posted in all work centres.

- (4) Any member who satisfies the Returning Officer that he/she will be unable to vote personally on the day fixed for the ballot, shall be provided with a postal ballot and the provision and processing of such postal ballot shall be in accordance with paragraphs (x), (xiii), (xiv), (xv), (xvi), (xvii) and (xviii) of Rule 73.
- (5) Except in the case of absent voting pursuant to the provisions of Sub-Rule 75(5), ballots covered by this Rule shall be in accordance with the following provisions:-
  - (i) Ballots shall be conducted in a room or marquee or other suitable place that will ensure suitable voter privacy;
  - (ii) An Assistant Returning Officer appointed pursuant to Rule 72 shall be in attendance at such polling place and shall ensure that members entitled to vote are afforded an adequate opportunity of voting without intimidation;
  - (iii) A voter's roll shall be provided at each polling place and the Assistant Returning Officer shall ensure that a record of each member voting is duly made on the roll.

As soon as practicable after the date determined for the commencement of issuing ballot papers in respect of an election, the Returning Officer shall deliver to each

## 76 - COLLEGIATE ELECTIONS

Assistant Returning Officer sufficient ballot papers for each person whose name appears on the roll of voters for the relevant work centre.

At the end of each day's voting the Returning Officer shall check with the Assistant Returning Officer the number of ballot papers issued with the voters roll to ensure that no votes are cast except by those entitled to do so and that no voter has cast more votes than he/she is entitled to;

- (iv) Sealed and locked ballot boxes must be used at the conclusion of the ballot and all boxes must be transported personally by the Assistant Returning Officer in charge of the particular booth to the custody of the Returning Officer;
- (v) Once a voter has marked his/her ballot paper, he/she shall deposit such ballot paper in the ballot box in the presence of the Assistant Returning Officer;
- (vi) The Returning Officer shall after the closing of the ballot, collect the envelopes containing the absentee ballot papers from the post office box in time for them to be counted together with the votes cast at the various work centres. Each Assistant Returning Officer shall provide the Returning Officer with a Declaration which will show:-
  - (a) the number of ballot papers received;
  - (b) the number of ballot papers issued (other than duplicate ballot papers); and
  - (c) the number of duplicate ballot papers issued.

Upon return of the ballot boxes to the Returning Officer, the Returning Officer shall supervise and monitor the removal of the ballot papers from the ballot box, the admission of those ballot papers which are properly marked and the counting of those ballot papers by the Assistant Returning Officers;

- (vii) The Returning Officer shall declare the result of the ballot as soon as practicable following the completion of the count.

## 76 - COLLEGIATE ELECTIONS

- (1) Collegiate elections shall be conducted by the National or Branch Returning Officer and shall be by secret ballot undertaken at a meeting of the relevant Governing Body which constitutes the electoral college.
- (2) The following provisions shall apply to collegiate elections:-
  - (i) Nominations shall be called by notice sent by the Returning Officer to the postal address of each member of the Governing Body eligible to nominate, at least thirty days prior to the meeting at which the ballot is to occur;
  - (ii) Nominations shall close at 12.00 noon on the first day of the scheduled meeting of the Governing Body;
  - (iii) The provisions of paragraphs (ii) and (iii) of Rule 73 shall apply to nominations for collegiate elections;

## 78 - CASUAL VACANCIES

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- (iv) Any member nominating may withdraw his/her nomination by advising the Returning Officer in writing at any time up to the close of nominations;
- (v) Any member of the Governing Body entitled to vote who satisfies the Returning Officer that he/she will be unable to vote personally on the day fixed for the ballot, shall be provided with a postal ballot and the provision and processing of such postal ballot shall be in accordance with paragraphs (x), (xiii), (xiv), (xv), (xvi), (xvii) and (xviii) of Rule 73;
- (vi) If the number of nominations does not exceed the number of vacancies, the Returning Officer shall declare the nominees duly elected;
- (vii) If the number of nominations exceeds the number of vacancies, a secret ballot of the members of the Governing Body entitled to vote shall be held during the course of the afternoon on the first day of the meeting of such Governing Body;
- (viii) The method of voting shall be as prescribed in Rule 74;
- (ix) In addition to the provisions specified elsewhere in this Rule, the provisions of paragraphs (v), (xix), (xx), (xxi) and (xxii) of Rule 73 shall apply to collegiate elections.

## 77 - NOMINATION FOR MORE THAN ONE OFFICE

Where two Offices cannot be held simultaneously under these Rules then a person may not nominate for both Offices. Where a person does so nominate, he/she shall be required by the Returning Officer to elect which of the Offices he/she wishes to nominate for. Where a person declines or otherwise fails to so elect, then he/she shall be deemed to have nominated for that Office having the highest ranking in the order of preference shown in Sub-Rule 31(1) and in the Rules specifying Branch Offices in Parts X to XV of these Rules, with National Offices ranking ahead of Branch Offices.

## 78 - CASUAL VACANCIES

- (1) A casual vacancy occurs when an Office Bearer dies, resigns or is removed from office or ceases to hold office in accordance with these Rules.
- (2) Where a casual vacancy occurs in relation to any Office within the Union and where the unexpired portion of a four year term of Office is more than twenty four months or where the unexpired portion of a two year term of Office is more than 12 months, a ballot shall be held to fill the Office in accordance with the provisions of this Part and the person or persons duly elected shall take office on and from the date of the declaration of the ballot.
- (3) Where an election is to be held pursuant to the provisions of Sub-Rule 78(2), the National Council in the case of a National Office or the Branch Council in the case of a Branch Office, may appoint a person to fill the vacant Office pending the declaration of the ballot.
- (4) Except as provided in sub-rule (2), the National Council, in the case of National Office Bearers and the Branch Council in the case of Branch Office Bearers may appoint a person to fill a casual vacancy.
- (5) Where a person is elected under Sub-Rule 78(2) or appointed under Sub-Rule 78(4) to fill a casual vacancy, then he/she shall hold office for the unexpired portion of the term.

## **80 - IRREGULARITIES**

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- (6) Notwithstanding anything elsewhere contained in this Rule, where an appointment is made pursuant to the provisions of Sub-Rules 78(3) or (4) in relation to an Office which, under these Rules, is to be filled on the basis of an order of seniority, then any appointment to a casual vacancy shall be in accordance with that order of seniority.

### **79 - TEMPORARY APPOINTMENTS**

- (1) Subject to Sub-Rule 79(2) and (3), where by reason of illness, absence on leave or any other reason, an Office Bearer is unable to fulfil the duties of his/her Office for a period exceeding six weeks, then the National Executive in the case of National Office Bearers and the Branch Executive in the case of Branch Office Bearers, may appoint an Office Bearer to act in the Office for the duration of the absence with such appointee having all the rights and duties of the particular Office.
- (2) In the case of the National President and the National Secretary, a National Vice- President and the Assistant National Secretary or an Assistant National Secretary (Divisional) respectively shall act in the Office pursuant to the provisions of Rules 37 and 38A. In the case of the Branch President and the Branch Secretary, a Branch Vice-President and the Assistant Branch Secretary respectively, shall act in the Office pursuant to the provisions of Rule 53 and 55.
- (3) In the case of the Assistant National Secretary, an Assistant National Secretary (Divisional) shall act in the office pursuant to the provisions of Rule 38A.

### **PART IX - GENERAL**

## **80 - IRREGULARITIES**

- (1) Any Governing Body within the Union may continue to function notwithstanding any vacancy thereon provided that the requisite quorum is present.
- (2) No failure to give notice or other defect in the calling of any meeting of any Governing Body within the Union shall invalidate the proceedings thereof unless such failure or defect results in the non-attendance of some member or members otherwise able and willing to attend. Provided that any such failure or defect may be waived by such member or members.
- (3) All communications sent to members or Office Bearers pursuant to the provisions of any of these Rules, may be sent to such member or Office Bearer at the last address notified by him/her to the Union.
- (4) Except where the Rules provide for a specific form of communication, all communications to members or Office Bearers may be sent by post, telegraph, telex, facsimile transmission or other like means and shall be deemed to have been received by such member or Office Bearer in the ordinary course of post, telegraph, telex, facsimile transmission or like means, as the case may be.
- (5) Except in the case of disciplinary proceedings under Rule 69, no decision or proceeding of any Governing Body provided for under these Rules shall be invalidated by the presence at or participation of any person not entitled to be present or to participate therein if, apart from such person, the requisite quorum was present and the vote of such a person did not determine the decision or the result of the proceedings.

**71 - ELECTION TIMETABLE AND ASSUMPTION OF OFFICE**

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- (14) An appeal right shall be exercised within fourteen days of receipt of written advice of the decision of the Executive by notice in writing to the National Secretary or the Branch Secretary, as the case may be, or, where the National Secretary or the Branch Secretary is the person charged, to the National President or the Branch President, as the case may be. In hearing such appeal, the Council shall follow the same proceedings and accord the Office Bearer the same rights as are provided for in this Rule in relation to the hearing of the matter by the Executive.
- (15) A Branch Office Bearer shall have a further right of appeal from the Branch Council to the National Executive, whose decision shall be final.

**PART VIII - ELECTIONS**

**70 - ELECTIONS FOR OFFICES**

Elections for all Offices within the Union shall take place in accordance with the provisions of this Part.

**71 - ELECTION TIMETABLE AND ASSUMPTION OF OFFICE**

- (1) Except as provided in Sub-Rule 71(3), the timetable for elections within the Union, other than elections to fill a casual vacancy, shall be as follows:-
- (i) nominations shall open at 9.00am on the first Monday in September of an election year and shall close at 5.00pm on the fourth Monday in September in that year.
- (ii) where a ballot is necessary, the ballot shall commence at 9.00am on the first Monday in November of an election year and shall conclude at 5.00pm on the fourth Monday in November of that year.

Provided that the National Executive may, in the case of elections for National Offices, and a Branch Council may, in the case of elections for Branch Offices, vary this timetable in exceptional circumstances.

- (2) The ballot shall be declared as soon as practicable after the counting of the votes. Successful candidates shall take office on and from the declaration of the ballot.
- (3) Where an Office is to be filled through a collegiate election under these Rules, the election shall take place at the first meeting of the electoral college following elections for the members of the college. The ballot shall be declared at that meeting and the successful candidate shall take office forthwith.
- (4) For the election of the President, Vice President and Junior Vice President of the Tram and Bus Division of the Queensland Branch, the nominations will be called one week from the declaration of the poll for Sub Divisional Representatives. Nominations will close one week after they are called. One week will be allowed for withdrawal of nominations and a ballot will occur within fourteen (14) days after withdrawal of nominations closing.



## 73 - ELECTION PROCEDURES

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### 72 - RETURNING OFFICERS

- (1) The National Council shall appoint a National Returning Officer who shall, subject to any statutory provision regarding the conduct of elections, conduct all National elections and ballots.
- (2) The National Council may appoint an Assistant Returning Officer or Officers to assist the National Returning Officer.
- (3) A Branch Council shall appoint a Branch Returning Officer who shall, subject to any statutory provision regarding the conduct of elections, conduct all Branch elections and ballots.
- (4) A Branch Council shall appoint an Assistant Branch Returning Officer or Officers to assist the Branch Returning Officer.
- (5) The National and the Branch Returning Officers and Assistant Returning Officers shall not be Office Bearers within or employees of the Union.

### 73 - ELECTION PROCEDURES

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

- (i) The Returning Officer shall call for nominations at least three weeks before the date on which nominations open by a notice published in a union journal or by circulars addressed to members or by the insertion of an advertisement in a newspaper or newspapers circulating throughout the electorate. Such notices shall specify the date on which nominations will open and will close, the dates upon which the ballot will open and will close, the manner in which nominations can be made and the eligibility requirements for nomination. Where the office or offices for which elections are held are paid positions, the notice shall specify the location, duties and responsibilities of the Office.
- (ii) Nominations shall be in writing and shall be signed by the nominee.
- (iii) If the Returning Officer finds that a nomination is defective, he/she shall, before rejecting the nomination, notify the person concerned of the defect and where it is practicable to do so, give him or her the opportunity of remedying the defect within not less than seven days but not more than ten days after he or she has been notified.
- (iv) A member nominating for any office may withdraw his/her nomination by advising the Returning Officer in writing at any time after the opening date for receipt of nominations but not later than ten days after the closing date for the receipt of nominations.
- (v) A candidate in any election shall be entitled to appoint, by notice in writing to the Returning Officer, another person to act at his/her own expense as a scrutineer on his/her behalf. Such scrutineer shall be entitled to be present at all stages of the ballot and may draw the attention of the Returning Officer to any complaint which he/she has regarding the ballot, but he/she shall not interfere in the counting of the ballot or handle any ballot paper or ballot envelope without the permission of the Returning Officer. The Returning Officer shall, if requested by any scrutineer, inform the scrutineer of the times and places at which the various stages of the ballot will be conducted.

## 73 - ELECTION PROCEDURES

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- (vi) Except in the case of Offices which represent members in the Tram and Bus Division only, a candidate in an election shall be entitled to support his/her candidature in National and Branch Journals and may submit articles for this purpose.
- (vii) If the number of nominations does not exceed the number of vacancies, the Returning Officer shall declare the nominee(s) duly elected. Nominees declared duly elected shall not, however, take Office until the day following the date on which a ballot would have concluded pursuant to the provisions of Rule 71.
- (viii) If the number of nominations exceeds the number of vacancies, a secret postal ballot of all financial members within the relevant electorate, shall be held.
- (ix) Where a ballot is necessary, the Returning Officer shall cause to be printed ballot papers which are oblong in shape and show the name, classification and work location of each candidate. All ballot papers shall be printed bearing the signature of the Returning Officer imposed on a facsimile of the Union's Seal. No vote shall be valid unless the ballot paper bears the signature of the Returning Officer imposed upon a facsimile of the Union's Seal. The names of the candidates shall appear on the ballot paper as decided by lot. One ballot paper may contain provision for voting in respect of more than one election.
- (x) The Returning Officer shall also cause to be printed declaration envelopes marked "Ballot Paper" and other prepaid envelopes bearing the address of the Returning Officer. Both the declaration envelopes and the prepaid envelopes shall comply with the forms prescribed by the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003. In addition, the removable flap or label shall also have printed on it a number corresponding to a number appearing opposite the financial member's name on the list of voters.
- (xi) The Returning Officer shall prepare or cause to be prepared a voters' roll containing the name and last known postal address including postcode of each and every member within the electorate, who is a financial member on the day the roll of voters closes. The voters' roll shall close seven (7) days before the date the nominations open. The closing of the roll of voters is not to be taken to prevent the correction of errors in the roll after that day up to but not extending beyond a date seven days prior to the commencing date for the conduct of the ballot.
- (xii) The Returning Officer shall keep a record of the number of ballot papers printed, the number issued by him/her and the number used and unused and, in his/her written declaration of the poll, shall account for every ballot paper printed.
- (xiii) The Returning Officer shall issue by pre-paid post to each financial member within the electorate, a Ballot Paper as specified, together with a declaration envelope marked "Ballot Paper" suitable for containing the Ballot Paper and supply therewith to each voter a pre-paid envelope addressed to the Returning Officer.
- (xiv) The Returning Officer shall arrange for a post office box to which ballot papers may be forwarded and shall arrange, so far as is possible, that such post office box is not able to be accessed by persons other than himself/herself (post office staff excepted).
- (xv) The Returning Officer shall instruct each voter in the manner in which a vote is to be recorded on the ballot paper.

#### 74 - METHOD OF VOTING

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

#### 74 - METHOD OF VOTING

Except as provided Parts X to XV of these Rules, the method of voting for National and Branch Offices shall be first past the post. Accordingly, voters shall place a cross in each square of the ballot paper opposite the name(s) of the candidate(s) of his/her choice up to but not exceeding the number of candidates required to be elected. A mark other than a cross shall be regarded as a valid vote provided that the Returning Officer is of the view that the ballot paper clearly indicates the voter's intention. Where the number of candidates to be elected exceeds one, a vote shall be valid notwithstanding that the voter does not exercise his/her right to cast his/her vote for the total number of candidates to be elected.

**75 - ELECTION PROCEDURES: TRAM AND BUS DIVISION**

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**75 - ELECTION PROCEDURES: TRAM AND BUS DIVISION**

- (1) All voting for National or Branch Offices which represent members within the Tram and Bus Division only, shall be by attendance ballot.
- (2) Elections for National or Branch Offices which represent members within the Tram and Bus Division only, shall be conducted in accordance with the timetable specified in Rule 71 with the necessary changes being made and be conducted by the National or Branch Returning Officers appointed pursuant to Rule 72. In addition, the provisions of Rule 73, with the exception of paragraphs (viii), (x), (xiii), (xiv), (xvi), (xvii) and (xviii), shall apply to such elections.

Members shall be notified by printed circulars setting out all positions for which an election is to be conducted by the Returning Officer. Such circulars to be posted in all work centres e.g. Depots, Sheds, Offices, Departments etc. where the Division members are employed. These circulars shall be displayed for at least three weeks prior to the closing of nominations.

- (3) If the number of nominations exceeds the number of vacancies, the Returning Officer shall arrange for a secret ballot to be held of all financial members within the relevant electorate. Such ballot shall be conducted by the Returning Officer over two days within the State of Victoria and over one day within other States within the ballot period specified in Rule 71 and the Returning Officer shall ensure that all members are advised of the time and place at which they may cast their votes.

The ballot of financial members of the Division shall be held on the same day/days. Where the ballot is held on one day the ballot must be held on the Thursday of the third full week in November. Where the ballot is held over two days the ballot must be held on the Wednesday and Thursday of the third full week of November. The time(s) for polling shall be 7.00 a.m. to 4.30 p.m. on the day(s) of the ballot. Members shall be notified by printed circular of the time and date(s) of polling, circulars to be posted in all work centres.

- (4) Any member who satisfies the Returning Officer that he/she will be unable to vote personally on the day fixed for the ballot, shall be provided with a postal ballot and the provision and processing of such postal ballot shall be in accordance with paragraphs (x), (xiii), (xiv), (xv), (xvi), (xvii) and (xviii) of Rule 73.
- (5) Except in the case of absent voting pursuant to the provisions of Sub-Rule 75(5), ballots covered by this Rule shall be in accordance with the following provisions:-
  - (i) Ballots shall be conducted in a room or marquee or other suitable place that will ensure suitable voter privacy;
  - (ii) An Assistant Returning Officer appointed pursuant to Rule 72 shall be in attendance at such polling place and shall ensure that members entitled to vote are afforded an adequate opportunity of voting without intimidation;
  - (iii) A voter's roll shall be provided at each polling place and the Assistant Returning Officer shall ensure that a record of each member voting is duly made on the roll.

As soon as practicable after the date determined for the commencement of issuing ballot papers in respect of an election, the Returning Officer shall deliver to each

## 76 - COLLEGIATE ELECTIONS

Assistant Returning Officer sufficient ballot papers for each person whose name appears on the roll of voters for the relevant work centre.

At the end of each day's voting the Returning Officer shall check with the Assistant Returning Officer the number of ballot papers issued with the voters roll to ensure that no votes are cast except by those entitled to do so and that no voter has cast more votes than he/she is entitled to;

- (iv) Sealed and locked ballot boxes must be used at the conclusion of the ballot and all boxes must be transported personally by the Assistant Returning Officer in charge of the particular booth to the custody of the Returning Officer;
- (v) Once a voter has marked his/her ballot paper, he/she shall deposit such ballot paper in the ballot box in the presence of the Assistant Returning Officer;
- (vi) The Returning Officer shall after the closing of the ballot, collect the envelopes containing the absentee ballot papers from the post office box in time for them to be counted together with the votes cast at the various work centres. Each Assistant Returning Officer shall provide the Returning Officer with a Declaration which will show:-
  - (a) the number of ballot papers received;
  - (b) the number of ballot papers issued (other than duplicate ballot papers); and
  - (c) the number of duplicate ballot papers issued.

Upon return of the ballot boxes to the Returning Officer, the Returning Officer shall supervise and monitor the removal of the ballot papers from the ballot box, the admission of those ballot papers which are properly marked and the counting of those ballot papers by the Assistant Returning Officers;

- (vii) The Returning Officer shall declare the result of the ballot as soon as practicable following the completion of the count.

## 76 - COLLEGIATE ELECTIONS

- (1) Collegiate elections shall be conducted by the National or Branch Returning Officer and shall be by secret ballot undertaken at a meeting of the relevant Governing Body which constitutes the electoral college.
- (2) The following provisions shall apply to collegiate elections:-
  - (i) Nominations shall be called by notice sent by the Returning Officer to the postal address of each member of the Governing Body eligible to nominate, at least thirty days prior to the meeting at which the ballot is to occur;
  - (ii) Nominations shall close at 12.00 noon on the first day of the scheduled meeting of the Governing Body;
  - (iii) The provisions of paragraphs (ii) and (iii) of Rule 73 shall apply to nominations for collegiate elections;

## 78 - CASUAL VACANCIES

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- (iv) Any member nominating may withdraw his/her nomination by advising the Returning Officer in writing at any time up to the close of nominations;
- (v) Any member of the Governing Body entitled to vote who satisfies the Returning Officer that he/she will be unable to vote personally on the day fixed for the ballot, shall be provided with a postal ballot and the provision and processing of such postal ballot shall be in accordance with paragraphs (x), (xiii), (xiv), (xv), (xvi), (xvii) and (xviii) of Rule 73;
- (vi) If the number of nominations does not exceed the number of vacancies, the Returning Officer shall declare the nominees duly elected;
- (vii) If the number of nominations exceeds the number of vacancies, a secret ballot of the members of the Governing Body entitled to vote shall be held during the course of the afternoon on the first day of the meeting of such Governing Body;
- (viii) The method of voting shall be as prescribed in Rule 74;
- (ix) In addition to the provisions specified elsewhere in this Rule, the provisions of paragraphs (v), (xix), (xx), (xxi) and (xxii) of Rule 73 shall apply to collegiate elections.

## 77 - NOMINATION FOR MORE THAN ONE OFFICE

Where two Offices cannot be held simultaneously under these Rules then a person may not nominate for both Offices. Where a person does so nominate, he/she shall be required by the Returning Officer to elect which of the Offices he/she wishes to nominate for. Where a person declines or otherwise fails to so elect, then he/she shall be deemed to have nominated for that Office having the highest ranking in the order of preference shown in Sub-Rule 31(1) and in the Rules specifying Branch Offices in Parts X to XV of these Rules, with National Offices ranking ahead of Branch Offices.

## 78 - CASUAL VACANCIES

- (1) A casual vacancy occurs when an Office Bearer dies, resigns or is removed from office or ceases to hold office in accordance with these Rules.
- (2) Where a casual vacancy occurs in relation to any Office within the Union and where the unexpired portion of a four year term of Office is more than twenty four months or where the unexpired portion of a two year term of Office is more than 12 months, a ballot shall be held to fill the Office in accordance with the provisions of this Part and the person or persons duly elected shall take office on and from the date of the declaration of the ballot.
- (3) Where an election is to be held pursuant to the provisions of Sub-Rule 78(2), the National Council in the case of a National Office or the Branch Council in the case of a Branch Office, may appoint a person to fill the vacant Office pending the declaration of the ballot.
- (4) Except as provided in sub-rule (2), the National Council, in the case of National Office Bearers and the Branch Council in the case of Branch Office Bearers may appoint a person to fill a casual vacancy.
- (5) Where a person is elected under Sub-Rule 78(2) or appointed under Sub-Rule 78(4) to fill a casual vacancy, then he/she shall hold office for the unexpired portion of the term.

## 80 - IRREGULARITIES

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- (6) Notwithstanding anything elsewhere contained in this Rule, where an appointment is made pursuant to the provisions of Sub-Rules 78(3) or (4) in relation to an Office which, under these Rules, is to be filled on the basis of an order of seniority, then any appointment to a casual vacancy shall be in accordance with that order of seniority.

### 79 - TEMPORARY APPOINTMENTS

- (1) Subject to Sub-Rule 79(2) and (3), where by reason of illness, absence on leave or any other reason, an Office Bearer is unable to fulfil the duties of his/her Office for a period exceeding six weeks, then the National Executive in the case of National Office Bearers and the Branch Executive in the case of Branch Office Bearers, may appoint an Office Bearer to act in the Office for the duration of the absence with such appointee having all the rights and duties of the particular Office.
- (2) In the case of the National President and the National Secretary, a National Vice-President and the Assistant National Secretary or an Assistant National Secretary (Divisional) respectively shall act in the Office pursuant to the provisions of Rules 37 and 38A. In the case of the Branch President and the Branch Secretary, a Branch Vice-President and the Assistant Branch Secretary respectively, shall act in the Office pursuant to the provisions of Rule 53 and 55.
- (3) In the case of the Assistant National Secretary, an Assistant National Secretary (Divisional) shall act in the office pursuant to the provisions of Rule 38A.

### PART IX - GENERAL

#### 80 - IRREGULARITIES

- (1) Any Governing Body within the Union may continue to function notwithstanding any vacancy thereon provided that the requisite quorum is present.
- (2) No failure to give notice or other defect in the calling of any meeting of any Governing Body within the Union shall invalidate the proceedings thereof unless such failure or defect results in the non-attendance of some member or members otherwise able and willing to attend. Provided that any such failure or defect may be waived by such member or members.
- (3) All communications sent to members or Office Bearers pursuant to the provisions of any of these Rules, may be sent to such member or Office Bearer at the last address notified by him/her to the Union.
- (4) Except where the Rules provide for a specific form of communication, all communications to members or Office Bearers may be sent by post, telegraph, telex, facsimile transmission or other like means and shall be deemed to have been received by such member or Office Bearer in the ordinary course of post, telegraph, telex, facsimile transmission or like means, as the case may be.
- (5) Except in the case of disciplinary proceedings under Rule 69, no decision or proceeding of any Governing Body provided for under these Rules shall be invalidated by the presence of or participation of any person not entitled to be present or to participate therein if, apart from such person, the requisite quorum was present and the vote of such a person did not determine the decision or the result of the proceedings.

## **105 - METHOD OF VOTING**

- (1) Except as provided in Sub-Rule 105(2), the method of voting for Branch Offices in New South Wales shall be optional preferential. Accordingly, voters shall express their preference by placing numbers against the names of the candidates on the ballot paper with the number one indicating the highest preference, the number two indicating the second highest preference and so on. A voter has the option of whether to place a number against the name of each candidate or whether to place a number against the name or names of only some of them. A mark other than a number shall be regarded as a valid vote provided that the Returning Officer is of the view that the ballot paper clearly indicates the voter's preference.
- (2) The method of voting for Branch Offices which represent members within the Branch Tram and Bus Division only shall be first past the post.