



21 February 2017

Mr Allan Barden
Assistant National Secretary
Australian Rail, Tram and Bus Industry Union
(by email)

Dear Mr Barden,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election of a contested office for the Victorian Branch Tram Hub Sub-Division [E2016/250]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

Holders of office required to undertake approved training

Section 154D(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the rules of organisations (and branches of organisations) to require each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. A list of approved training providers is attached.

Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which should be provided for in your organisation's rules.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Australian Rail, Tram and Bus Industry Union must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.

2. Person(s) who have commenced to hold office:
 - the name of the office now held;
 - the date of the change of office holder;

- the name of the person now holding the office;
- the postal address of the person (generally the postal address of the organisation); and
- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

Carolyn Moloney
Regulatory Compliance Branch

List of approved governance training packages

Approved training material	Provider	Contact person	Contact details
AHAWA Governance and Financial Training	Australian Hotels Association (WA Branch)	Mr Bradley Woods	(08) 9321 7701 ceo@ahawa.asn.au
APTIA Governance and Financial Training Package	Australian Public Transport Industrial Association	Mr Ian MacDonald	(02) 6247 5900 imacdonald@bic.asn.au
Handbook for Councillors of the Australian Industry Group	Australian Industry Group (for provision to Ai Group Councillors only. Not for external parties)	Ms Jenifer Leuba	(03) 9867 0174 jenifer.leuba@aigroup.asn.au
The Australian Workers' Union Professional Training Program Financial Duties of Officers	Australian Workers' Union	General enquiries	(02) 8005 3333 members@nat.awu.net.au
In-Boardroom: Governance and Finance for Registered Organisations	Australian Institute of Company Directors	Various	AICD state-based contacts
ACTU s.154C Training— Union Governance	Australian Council of Trade Unions (ACTU)	Organising Centre Enquiries	(03) 9664 7360 orgcentre@actu.org.au
Governance of Registered Organisations	Weston Woodley & Robertson Chartered Accountants	Mr Dennis Robertson	(02) 9264 9144 dennisr@wwr.com.au
Governance and Financial Accountability for Registered Organisations	Local Government New South Wales	Ms Sarah Artist	(02) 9242 4182 learning@lgnsw.org.au
Australian Hotels Association Financial Management Training	Australian Hotels Association (for provision to AHA officers only. Not for external parties)	Mr Stephen Ferguson	(02) 6273 4007 ceo@aha.org.au
Governance and Finance Training for Registered Organisations	Dickson Wohlsen Pty Ltd, trading as CTA Training	Mr Tom Streater	(07) 3878 9355 tom@dws.net.au
The Registered Organisation Training Act for Organisations and Boards	Vibe Public Relations Consultancy	Ms Anne Andrews	0400 021 679 vibeprctraining@bigpond.com
Training Course for Registered Organisations - Governance and Finance	Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union	Mr Andrew Johnson	andrew.johnson@lgrceu.org
MTAQ Registered Organisation Governance Course	Motor Trades Association of Queensland Industrial Organisation of Employers	Mr Paul Murray	paulm@mtaq.com.au

NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009*

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 1. *[include OLD name and address and NEW name and address of every branch that has changed]*
 2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:³
 - COMMENCED operation:
 1. *[include name of each new branch]*
 2. ...
 - CEASED operation:
 1. *[include name of each closed branch]*
 2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to orgs@fwc.gov.au.]

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:
Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
National	1.1.2014	Secretary	Full Name	Full Name	c/- the Registered Organisation, postal address of Registered Organisation	Paid official
	25.12.2013	President	vacant	Full Name	As above	mechanic
...						
NSW	1.1.2014 (resigned) 7.1.2014 (appointed)	President	Full Name	Full Name	c/- the Branch, postal address of the Branch	mechanic
		Committee of Management Member	Full Name	Full Name	As above	mechanic
		Treasurer	Full Name	vacant	vacant	vacant
...						

Mr Phil Altieri
Divisional Secretary
Tram & Bus Division
Australian Rail, Tram and Bus Industry Union
Level 2, 365 Queen Street
MELBOURNE VIC 3000

Post Election Report For: **Australian Rail, Tram and Bus Industry Union Victorian Branch**

Election E2016/250

Email: trambus@bigpond.net.au

I refer to the above election for your organisation.

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

Section 198 of Schedule 1 requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

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

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

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

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

Jeff Webb
Returning Officer

6 February 2017

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Australian Rail, Tram and Bus Industry Union

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: *E2016/250*

RULES

Rules used for the election: [139V: - Incorporates alterations of 16/09/2016 in matter R2016/186]

Rules difficult to apply/interpret: NIL

Model Rule reference (if any): N/A

ROLL OF VOTERS

Total number of voters on the Roll: 184

Number of apparent workplace addresses: Nil

Number of non-current addresses: Nil

Other matters pertaining to the roll of voters: Nil

IRREGULARITIES

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

Other irregularities identified, and action taken: Nil

ATTACHMENTS

Declaration of Results



Jeff Webb
Returning Officer

6 February 2017

Australian Rail, Tram and Bus Industry Union – Victorian Branch Tram & Bus Division

Declaration of Results for Contested Offices

E2016/250

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 Hub Sub-Division

Total number of names on the roll of voters	184
Replacement ballot papers issued	0
Total Ballot Papers Issued	134
Ballot papers / envelopes returned for scrutiny	134
Less ballot papers / envelopes rejected at preliminary scrutiny	0
Total Ballot Papers Admitted to Scrutiny	134
Percentage of ballot papers returned to number issued	100%

Sub-Divisional Representative on Branch Divisional Committee

<u>Candidates</u>	<u>Votes</u>
PAVIC, Frank	59
PETROPOULOS, Con	41
PERERA, Prabodh R.	33
Total votes	133
Formal ballot papers	133
Informal ballot papers	1

I declare Frank Pavic elected.



Jeff Webb
Returning Officer
Australian Electoral Commission

3 February 2017



Copy of Signed Decision

Title of Matter: Application/Notification by Australian Rail, Tram and Bus Industry Union
Section: s.189(1) RO Act - Notification of elections for office
Subject: Victorian Branch, Tram and Bus Division, Tram Hub Sub-Divisional Delegate to Branch Divisional Committee
Matter Number(s): E2016/250

A copy of the Delegate's decision is attached for your information.

The relevant rulebook can be accessed via the Fair Work Commission's [website](#).

Dear Australian Rail, Tram and Bus Industry Union,

Section 233(2) of the *Fair Work (Registered Organisations) Act 2009* requires details of changes to an organisation's records to be declared to the Fair Work Commission. This includes changes to officers as a result of elections. Changes must be declared within 35 days and a template is available from the [website](#).

Dear Australian Electoral Commissioner via the Electoral Officer,

Under subsection 189 of the *Fair Work (Registered Organisations) Act 2009*, please arrange for the conduct of the above election.

Contact: Mr Allan Barden of the organisation, as per the prescribed information.

Please send any declaration(s) and post election report to the Fair Work Commission at orgs@fwc.gov.au.

Inquiries:

Any inquiries relating to this matter are to be directed to Carolyn Moloney through orgs@fwc.gov.au.

10 NOVEMBER 2016



DECISION

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

Australian Rail, Tram and Bus Industry Union (E2016/250)

MR ENRIGHT

MELBOURNE, 10 NOVEMBER 2016

Arrangement for conduct of election.

[1] On 27 October 2016 the Australian Rail, Tram and Bus Industry Union lodged with the Fair Work Commission the prescribed information in relation to an election for the following new office:

Victorian Branch,

Tram and Bus Division

Sub-Divisional Representative on Branch Divisional Committee from:
Tram Hub Sub-Division

(1)

[2] I am satisfied that an election for the abovenamed office is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER

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Copy of Prescribed Information

Title of Matter: Application/Notification by Australian Rail, Tram and Bus Industry Union
Section: s.189(1) RO Act - Notification of elections for office
Subject:
Matter Number(s): E2016/250

Attn: Electoral Officer

A copy of the Prescribed Information in relation to the above matter is attached for your information.

The election decision will be forwarded to your office in due course.

Inquiries:

Any inquiries relating to this are to be directed to: orgs@fwc.gov.au.

27 OCTOBER 2016



RTBU

27th October 2016
To The General Manager
Fair Work Commission
Terrace Tower
80 William St.
East Sydney,
NSW 2011

Subject:- **Elections for Vacant Office**

Dear General Manager,

I have received a request from the Victorian Branch, of the need for election for office (the meaning of office as set out in Section 9 of the Fair Work (Registered Organisation) Act 2009) as set out below:-

OFFICE

1Victorian Branch, Tram and Bus Division, Tram Hub Sub Division Delegate to Branch Divisional Committee .

The reason for the election is that a recent rule alteration has established the new depot called Tram Hub (Rules 156(3)(vii) and 159(3)) and a new Rule (171A) requires that an election take place in accordance with Rule 75.

Therefore in accordance with Sections 182 of the *Fair Work (Registered Organisations) Act 2009*, I am requesting that you arrange for the conduct of the election of office-holder for the Australian Rail, Tram and Bus Industry Union (RTBU) for the aforementioned office.

The Prescribed Forms in accordance with Reg 138 is attached, the relevant correspondence detailing the request for election is also attached.

Rail, Tram & Bus Union Australia **The Power of Union**

Office: Level 2, Trades Hall, 4-10 Goulburn Street, Sydney NSW 2000
Phone: 02 8203 6099 Fax: 02 9319 2096



RTBU

Further, I have also advised the AEC of this request.

I can be contacted on [REDACTED] or by email [REDACTED] if you have any further queries

Yours Sincerely,

Allan Barden
Assistant National Secretary
Australian Rail, Tram and Bus Industry Union.

Rail, Tram & Bus Union Australia **The Power of Union**

Office: Level 2, Trades Hall, 4-10 Goulburn Street, Sydney NSW 2000
Phone: 02 8203 6099 **Fax:** 02 9319 2096

STATEMENT/ APPLICATION FOR ELECTION UNDER s189

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

1. The position for which an election is required is for **1 Victorian Branch, Tram and Bus Division, Tram Hub Sub Divisional Delegate to Branch Divisional Committee.**

2. The reason for the election is that a recent rule alteration has established the new depot called Tram Hub (Rules 156(3)(vii) and 159(3)) and a new Rule (171A) requires that an election take place in accordance with Rule 75.

3. Eligibility and Electorate

Whole of the membership of the Victorian Branch, Tram and Bus Division, Tram Hub Sub Division.

4. The date and time of the beginning and end of the period in which nominations of candidates may be made is not clear, however the criteria for General Elections is set out in Part VII- Elections.

5. The kind of voting system to be used is first past the post method, in accordance with Rule 75.

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

Signed



Dated

27-10-2016

Subject: Vic Branch Tram & Bus - Tram Hub Election
Date: Friday, 7 October 2016 at 4:55:10 pm Australian Eastern Daylight Time
From: Phil Altieri
To: Allan Barden, Bob Nanva
CC: Luba Grigorovitch

Hi Allan, Bob

Given that the Fair Work Commission have now authorised the Victorian Branch, Tram & Bus Division rule change regarding the new location - Tram Hub Rule (71A), can you please make necessary arrangements to facilitate for the AEC to conduct this election in accordance with RTBU Rules.

Kind Regards
Phil Altieri
RTBU Vic Branch Ass, Sec./ National President