

19 August 2019

Post-election report

**Australian Rail, Tram and Bus Industry Union
New South Wales Branch – Casual Vacancies E2019/74**

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Election(s) Covered in this Report

Organisation:	Australian Rail, Tram and Bus Industry Union
Election Decision Number(s):	E2019/74

Rules

Rules used for the election:	[139V: - Incorporates alterations of 23/04/2018 in matter R2017/282]
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Rules difficult to apply/interpret:	None
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Model Rule reference (if any):	N/A
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For more details see the Model Rules on the AEC website:

https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections

Roll of Voters

Please see declaration of Results for details

Total number of voters on the Roll:	3120* (*only electorates applicable to this election)
Number of apparent workplace addresses:	None
Number of non-current addresses:	26
Other matters pertaining to the roll of voters:	Nil

Irregularities

Details of written allegations of irregularities, and action taken by AEC: *None*

Other irregularities identified, and action taken: *None*

Other Matters

Returning Officer actions required (Section 193): No
Details: N/A

Signed



Noopur Madan
Returning Officer
Australian Electoral Commission
E: nswelections@aec.gov.au
P: 02 9375 6321

19 August 2019

Attachments

1. Declaration of results for Uncontested Offices – E2019/74
2. Declaration of Results for Contested Offices – E2019/74

Australian Rail, Tram and Bus Industry Union
New South Wales Branch
DECLARATION OF RESULTS - E2019/74
Contested Offices

Casual Vacancy Election

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

LOCOMOTIVE DIVISION

Intercity/Railcorp Group - Newcastle Interchange

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	103
Number of voters issued with voting material	103
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	103
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	53
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	53
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	0
Voting material packs not returned by voters by closing date of the ballot	50
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	51 %

Sub-Divisional Representatives (Depot Organisers) (1)

<u>Candidates</u>	<u>Final Votes</u>
CLEAR, Tony	27
EDWARDS, Peter	25

Total ballot papers admitted for this office	53
Formal Ballot papers	52
Informal Ballot papers	1

I declare the following elected:

- CLEAR, Tony

Rail Operations Division Train Guards Sub-Division

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	1,400
Number of voters issued with voting material	1,400
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	1,400
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	262
Number of declaration envelopes rejected at preliminary scrutiny (minus)	9
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	253
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	9
Voting material packs not returned by voters by closing date of the ballot	1,129
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	19 %

Branch Sub-Division President (1)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
MAYNARD-CULLINAN, Matthew	53	53
THORPE, James	33	33
TURNER, Craig	166	166

Total ballot papers admitted for this office	253
Formal Ballot papers	252
Informal Ballot papers	1

I declare the following elected:

- TURNER, Craig



Noopur Madan
Returning Officer
Telephone: 02 9375 6321
Email: nswelections@aec.gov.au
09/08/2019



18 July 2019

Allan Barden
Assistant National Secretary
Australian Rail, Tram and Bus Industry Union
Sent via email: abarden@rtbu.org.au

cc: New South Wales Branch - aclaassens@rtbu-nsw.asn.au

Dear Allan Barden,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of uncontested offices in matter E2019/74. 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, as soon as practicable after receiving the post-election report, 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 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires 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. 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 are provided for in the RO Act.

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.

Yours faithfully,

Romy Kaur
Registered Organisations Commission

Australian Rail, Tram and Bus Industry Union
New South Wales Branch
DECLARATION OF RESULTS - E2019/74
Uncontested Offices

Casual Vacancy Election

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

New South Wales Branch Offices

Locomotive Division

Northern District

Branch Divisional Delegate to Branch Council (1)

KRANIAS, Nick

Infrastructure Division

Western District

Branch Divisional Delegate to Branch Council (1)

Candidates

No Nominations Received

Southern District

Branch Divisional Delegate to Branch Council (1)

Candidates

No Nominations Received

Branch Divisional Offices

Tram and Bus Division - Kingsgrove

Sub-Divisional Representative on Divisional Committee (1)

Candidates

LEKKAS William

Non-office positions

Locomotive Division

Branch Locomotive Divisional Council

South West Group - PN Bulk Moss Vale

Sub-Divisional Representatives (Depot Organiser) (1)

Candidates

DARLINGTON Paul Joseph

Rail Operations Division

Sub-Divisional Position:

Train Guards Sub-Division- Flemington Maintenance Centre

Depot Sub-Division Secretary (1)

Candidates

GARCHA Sunny

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
Telephone: 02 9375 6321
Email: nswelections@aec.gov.au
11/07/2019



DECISION

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

Australian Rail, Tram and Bus Industry Union (E2019/74)

MR ENRIGHT

MELBOURNE, 1 MAY 2019

Arrangement for conduct of election.

[1] On 27 March 2019 the Australian Rail, Tram and Bus Industry Union (**the organisation**) lodged with the Registered Organisations Commission prescribed information for an election to fill casual vacancies in the following offices for the remainder of the term:

New South Wales Branch Offices

Branch Divisional Delegates to Branch Council:

Locomotive Division

Northern District (1)

Infrastructure Division

Western District (1)

Southern District (1)

Branch Divisional Offices

Tram and Bus Division

Sub-Divisional Representatives on Divisional Committee:

Kingsgrove (1)

[2] In addition, the organisation lodged information requesting an election under section 187 of *the Fair Work (Registered Organisations) Act 2009* to fill the following non-office positions due to there being casual vacancies in those positions:

Non-office positions

Locomotive Division

Branch Locomotive Divisional Council

Sub-Divisional Representatives (Depot Organisers):

Intercity/Railcorp Group

Newcastle Interchange (1)

South West Group

PN Bulk Moss Vale (1)

Rail Operations Division

Sub-Divisional positions:

Train Guards Sub-Division

Branch Sub-Division President (1)

Depot Sub-Division Secretaries:

Flemington Maintenance Centre (1)

[3] I am satisfied that an election for the abovenamed offices and non-office positions 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 COMMISSIONER

Printed by authority of the Commonwealth Government Printer

PR351338

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

I, ALLAN BARDEN, being the [Assistant National Secretary of the Australian Rail, Tram and Bus Industry Union make the following statement:

1. I am authorised to sign this statement containing prescribed information for the New South Wales Branch of the Australian Rail, Tram and Bus Industry Union
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. The resignation letter is attached for each casual vacancy.
5. The current prescribed rules are, rb-139V-r2017-282-effect-2018-04-23. No rule alterations are pending that will impact the election.

Signed:



Dated: 27th March 2019.

ANNEXURE A

- Elections that are required:

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
			<i>Direct voting system; Collegiate electoral system</i>	<i>Scheduled; Casual vacancy; New office created; insufficient nominations</i>	
New South Wales	<i>Branch Council Delegate, Locomotive Division, Northern District</i>	1	<i>Optional Preferential (Rule 105)) also Rules 71 and 73</i>	<i>Casual Vacancy in accordance with Rule 78(2) (the resignation is attached)</i>	<i>Whole of the membership of the New South Wales Branch, Northern District, Locomotive Division New South Wales Branch Specific Rules (rules; 92, 98(4) and 102(3))</i>
	<i>Locomotive Division Depot Organiser, Newcastle Intercity Sub Division</i>	1	<i>Optional Preferential (Rule 105) also Rules 71 and 73</i>	<i>Casual Vacancy in accordance with Rule 78(2) (the resignation is attached)</i>	<i>Whole of the membership of the New South Wales Branch, Locomotive Division Newcastle Intercity, Sub Division New South Wales Branch Specific Rules (Rule 100(12))</i>
	<i>Locomotive Division Depot Organiser, Pacific National Bulk , Moss Vale Depot Sub Division</i>	1	<i>Optional Preferential (Rule 105(1)) also Rules 71 and 73</i>	<i>Casual Vacancy in accordance with Rule 78(2) (the resignation is attached)</i>	<i>Whole of the membership of the new South Wales Branch, Locomotive Division, Pacific National Bulk, Moss Vale Sub Division New South Wales Branch Specific Rules (Rule 100(12))</i>
	<i>Tram and Bus Sub Divisional Representative on Branch Divisional Committee, Kingsgrove</i>	1	<i>First Past the Post (Rule 105(2)) also Rules 71 and 75</i>	<i>Casual Vacancy in accordance with rule 78(2) (the resignation is attached)</i>	<i>Whole of the membership of the New South Wales Branch, Tram and Bus Division, Kingsgrove Depot, membership New South Wales Branch Specific Rules (rules; 92, 98(4) and 102(3))</i>
	<i>Infrastructure Divisional Delegate to Branch Council- Western District</i>	1	<i>Optional Preferential (Rule 105) also Rules 71 and 73)</i>	<i>Casual Vacancy in accordance with Rule 78(2) (the resignation is attached)</i>	<i>Whole of the membership of the New South Wales Branch, Western District, Infrastructure Division. New South Wales Branch Specific Rules; 92, 98(4) and 102(3))</i>

	<i>Infrastructure Divisional Delegate to Branch Council- Southern District</i>	<i>1</i>	<i>Optional Preferential (Rule 105 (1)) also Rules 71 and 73</i>	<i>Casual Vacancy in accordance with Rule 78(2) (the resignation is attached)</i>	<i>Whole of the membership of the New South Wales Branch, Southern District, Infrastructure Division. New South Wales Branch Specific Rules; 92, 98(4) and 102(3))</i>
	<i>Rail Operations Division, Train Guards Sub Division President</i>	<i>1</i>	<i>Optional Preferential (Rule 105 (1)) also Rules 71 and 73</i>	<i>Casual Vacancy in accordance with Rule 78(2) (the resignation is attached)</i>	<i>Whole of the membership of the New South Wales Branch, Rail Operations Division, Train Guards Sub Division. New South Wales Branch Specific Rules (Rule 100(12))</i>
	<i>Rail Operations Division, Train Guards Sub Division Secretary, Flemington Depot.</i>	<i>1</i>	<i>Optional Preferential (Rule 105 (1)) also Rules 71 and 73</i>	<i>Casual Vacancy in accordance with Rule 78(2) (the resignation is attached)</i>	<i>Whole of the membership of the New South Wales Branch, Rail Operations Division, Train Guards Sub Division, Flemington Depot. New South Wales Branch Specific Rules (Rule 100(12))</i>

- Important dates:

	Direct Voting System
Nominations OPEN	<i>To be determined by the Returning Officer</i>
Nominations CLOSE	<i>To be determined by the Returning Officer</i>
Roll of Voters cut off date	<i>To be determined by the Returning Officer</i>