

PR964888

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

Australian Rail, Tram and Bus Industry Union
(E2005/203)

B. R. JENKINS
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 16 NOVEMBER 2005

DECISION

[1] On 13 October 2005 the New South Wales Branch of the abovenamed organisation lodged in the Industrial Registry prescribed information in relation to an election to fill vacancies in the following offices:

Branch Divisional Delegate to Branch Council (Locomotive Division, Northern District) (1)

Branch Divisional Delegate to Branch Council (Tram & Bus Division) (1)

Branch Sub-Divisional President (Rail Operations Division, Signallers Sub-Division) (1)

Sub-Divisional Representative on Branch Divisional Committee (Tram & Bus Division, Port Botany Depot) (1)

[2] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of Schedule 1B of the *Workplace Relations Act 1996*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.





Australian Government

Australian Industrial Registry

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

Mr Nick Lewocki
Secretary
Australian Rail Tram & Bus Industry Union
NSW Branch
Level 4, 321 Pitt Street
SYDNEY NSW 2000

Dear Mr Lewocki

**Re: Arrangements for the conduct of an Election
(E2005/203)**

A copy of the Registrar's decision in relation to the above matter is enclosed.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Steve Teece'.

Steve Teece

16 November 2005



Australian Government
Australian Industrial Registry

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990

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

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

E No 2005/203

Re: Australian Rail Tram Bus Industry Union - NSW Branch

Positions:

See Decision

Relevant Information: Casual Vacancies

Contact: Mr Nick Lewocki
Branch Secretary

Phone: (02) 9264 2511

A copy of the decision is enclosed.

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

A handwritten signature in black ink, appearing to be 'Nick Lewocki'.

for Deputy Industrial Registrar

16 November 2005

TEECE, Steve

From: TEECE, Steve
Sent: Monday, 31 October 2005 4:01 PM
To: 'industrial.elections@aec.gov.au'
Subject: Special Note in relation to Prescribed Information - E 2005/142 & E 2005/141 - ARTBIU, NSW Branch - Casual vacancies

Please note that this election will now proceed under a single matter number: **E2005/203**, due to a combined prescribed information notice being filed.

The matter numbers E2005/142 & E2005/141 will no longer be used.

Steve Teece

Research Information Advice Team
NSW Registry
Australian Industrial Registry

Ph: (02) 8374 6516 Fax: (02) 9380 6990
steve.teece@air.gov.au

From: TEECE, Steve
Sent: Tuesday, 18 October 2005 4:17 PM
To: 'industrial.elections@aec.gov.au'
Subject: Prescribed Information - E 2005/142 & E 2005/141 - ARTBIU, NSW Branch - Casual vacancies



ARTBIU NSW
Cas.TIF (153 KB)



ARTBIU139V20505.
doc (469 KB)

Steve Teece

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Subject: Prescribed Information - E 2005/142 & E 2005/141 - ARTBIU, NSW Branch - Casual vacancies



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Steve Teece

Research Information Advice Team
NSW Registry
Australian Industrial Registry

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steve.teece@air.gov.au



TelegraphicAddress:
'SOLIDARITY' SYDNEY

Rail, Tram & Bus Union

NEW SOUTH WALES BRANCH

In your reply please quote reference

No. NL/HB

A.B.N. 55 090 785 801

Level 4, 321 Pitt Street,
SYDNEY N.S.W. 2000
TELEPHONE: (02) 9264 2511 (9 LINES)
FAX: (02) 9261 1342
EMAIL: nswho@rtbu-nsw.org

10th October 2005

The Deputy Industrial Registrar
Australian Industrial Registry
Level 8, Terrace Towers
80 William Street
EAST SYDNEY NSW 2000

Dear Sir/Madam,

On behalf of the Australian Rail, Tram and Bus Industry Union – NSW Branch, application is made for the conduct of elections to fill casual vacancies as per the attached.

I hope this meets your requirements in regard to this matter.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'N. Lewocki', written in a cursive style.

N LEWOCKI
SECRETARY



10th October 2005

Office/Position

Branch Offices

1. Branch Divisional Delegate to Branch Council – Locomotive Division – Northern District.
2. Branch Divisional Delegate to Branch Council – Tram & Bus Division.
3. Rail Operations Division – Signallers Sub-Division – President.
4. Tram & Bus Division – Sub-Divisional Representative – Port Botany Depot

Election for offices marked 1, 2 & 3 above are required to fill casual vacancies that have occurred following the resignation of the elected office of Branch Divisional Delegate to Branch Council – Locomotive Division – Northern District. Branch Divisional Delegate to Branch Council – Tram & Bus Division. Rail Operations Division – Signallers Sub-Division – President. Documentary information relating to the resignation of persons elected in the above offices is attached.

Elected by:

The electorate for the direct voting is as follows:

1. Northern District under Rule 92 – Definitions
“Northern District means the District commencing at and including Narra and embracing the Main Northern Line to Wallangarra, the North Western Line and Branch Lines and the Main North Coast Line to Brisbane and Branch Lines.”
2. Tram and Bus Division under Rule 98 (2)
Composition and Ordinary meetings of the Branch Council.
“For the purpose of electing Delegates to the Branch Council, each Branch Division other than the Tram & Bus Division, shall be divided into Districts as provided for in Sub-Clause 98 (3). The Branch Tram and Bus Division and each Branch Divisional District as specified in Sub-Clause 98 (3) shall, subject to Sub-Clause 98 (4), be entitled to one Delegate for each eight hundred members or part thereof. The number of Delegates to which the Branch Tram & Bus Division or a Branch Divisional District is entitled, shall be determined on the basis of the number of financial members within the Branch Division or the Branch Divisional District, as the case may be, at the end of the quarter immediately preceding the date of the opening of nominations for the election of Delegates.”
3. Signallers Sub-Division – Branch Sub-Division – Rule 59 (2) paragraph 3
“A Sub-Divisional representative or committee shall be elected by the financial members with the depot, shed, workplace or geographical location comprising the Sub-

Division. The functions of a Branch Sub-Divisional Committee or representative shall include the policing of relevant awards, determinations or other provisions relating to the welfare of members and the initial handling of local grievances.

4. Election Procedures – Tram & Bus Division – Rule 75 (1)

- (i) All voting for National or Branch offices which represent members within the Tram & Bus Division only, shall be by attendance ballot.

Nominations open to be determined by the Australian Electoral Commission.

Election Procedures Rule 73 (i)

- (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.

Nominations close – to be determined by the Australian Electoral Commission.

Election Procedures Rule 73 (xi)

- (ii) 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.

I am authorised to lodge the information concerning forthcoming elections to fill casual vacancies in the New South Wales Branch of the Australian Rail, Tram and Bus Industry Union and

I confirm that the following information is being lodged under sub-section 189 (i) of the RAO Schedule.

Yours faithfully,



N LEWOCKI

BRANCH SECRETARY

Attachment

The following resignations have been received which have created a casual vacancy.

1. Branch Divisional Delegate to Branch Council – Locomotive Division – Northern District – Mark Sheargold – resigned.
2. Branch Divisional Delegate to Branch Council – Tram & Bus Division – John Dale – resigned.
3. Rail Operations Division – Signallers Sub-Division – President – Frank Grant – resigned.
4. Tram & Bus Division – Sub-Divisional Representative – Port Botany Depot – John Tullis – resigned.

Australian Rail, Tram and Bus Industry Union

NSW Vacancy Election 2005

DECLARATION OF RESULTS

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2005/203

Northern District

Delegate to Branch Council

Candidate

GLOVER, Brian J

I declare Brian J Glover elected.

Signallers Sub-Division

Branch Sub-Division President

Candidates

No nomination was received

No candidate elected.

NSW Tram & Bus Division

Total number of persons on the roll of voters	3537
Ballot papers issued	1166
Duplicate ballot papers issued	0
TOTAL BALLOT PAPERS ISSUED	1166
Ballot papers / envelopes returned for scrutiny	1166
Less ballot papers / envelopes rejected at preliminary scrutiny	12
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	1154
Percentage of ballot papers returned to number issued	100%
Ballot papers returned as unclaimed mail	0

Delegate to Branch Council

Candidates

BRYSON, Andrew
MCCARTHY, Patrick

Votes

598
522

Total votes	1120
Formal ballot papers	1120
Informal ballot papers	34

I declare Andrew Bryson elected.

Port Botany

Total number of persons on the roll of voters	335
Ballot papers issued	149
Duplicate ballot papers issued	0
TOTAL BALLOT PAPERS ISSUED	149
Ballot papers / envelopes returned for scrutiny	149
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	149
Percentage of ballot papers returned to number issued	100%
Ballot papers returned as unclaimed mail	0

Sub-Divisional Representative on Branch Divisional Committees

<u>Candidates</u>	<u>Votes</u>
HOFMANN, Peter	64
EMBLEM, Eddie	83
Total votes	147
Formal ballot papers	147
Informal ballot papers	2

I declare Eddie Emblem elected.

Robert Buchanan
Returning Officer
Australian Electoral Commission

Australian Electoral Commission / AEC

Workplace Relations Act 1996 – Schedule 1B

RETURNING OFFICER - POST ELECTION REPORT

Client: Australian Rail, Tram and Bus Industry Union

Contact details: Nick Lewocki
NSW Branch Secretary

Fax: 02 9267 8984

Tel: 02 9264 2511

AIR contact officer: Steve Teece

Email: Industrial.elections@air.gov.au

Tel:

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2005/203

Election: Vacancy election

Returning Officer: Robert Buchanan

RULES

Rules used for elections Rule ID:

[139V: - This Rule Book incorporates all alterations certified on 20/5/05 in Matter No R2005/164]

Rule/s re eligibility to vote:

73

Rules difficult to apply/interpret:

-

Model Rule reference (if any):

-

Legal precedents considered:

-

Action taken under section 193 of RAO

-

Schedule:

ROLL OF VOTERS

Total number of voters on the roll

3537

Number of private addresses

0

%

Number of apparent workplace addresses

3537

100%

Number of non-current addresses

0

%

ALLEGATIONS OF IRREGULARITIES RECEIVED

There were no written complaints or allegations of irregularities

ATTACHMENTS

A) Declaration of Results

Robert Buchanan
Returning Officer
6 March 2006