

Australian Electoral Commission / AEC

Workplace Relations Act 1996 – Schedule 1

POST ELECTION REPORT

Client: Australian Rail, Tram and Bus Industry Union NSW Branch

Contact details: Nick Lewocki
NSW Branch Secretary
Level 4, 321 Pitt St
Sydney NSW 2000

Email: nlewocki@rtbu-nsw.asn.au
Tel: 02 9264 3400

AIR contact officer: Steve Teece

Email: Industrial.elections@air.gov.au
Tel: 02 8374 6516

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2007/250

RULES

Rules used for elections Rule ID:

[139V: - This Rule Book incorporates all alterations certified on 21/08/06 in Matters No R2006/253, R2006/254, R2006/255, R2006/256, and R2006/257]

Rules difficult to apply/interpret:

N/A

Model Rule reference (if any):

ROLL OF VOTERS – Rail Operations Division Train Guards Sub-Division

Total number of voters on the roll	1124	
Number of apparent workplace addresses	24	19 %
Number of non-current addresses	0	0 %

Other Matters

ROLL OF VOTERS – Locomotive Division RailCorp Group (ETR) Sub-Division

Mortdale

Total number of voters on the roll	90	
Number of apparent workplace addresses	0	0 %
Number of non-current addresses	0	0 %

Other Matters

ALLEGATIONS OF IRREGULARITIES RECEIVED

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

N/A

Other irregularities identified, and action taken:

N/A

ATTACHMENTS

- A: Declaration of Contested Office Rail Operations Division
- B: Declaration of Contested Office Locomotive Division

Australian Rail, Tram and Bus Industry Union Casual Vacancies

DECLARATION OF RESULTS FOR CONTESTED OFFICES

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.

E2007/250

Mortdale Sub-Division

Total number of persons on the roll of voters	0
Ballot papers issued	90
Duplicate ballot papers issued	0
TOTAL BALLOT PAPERS ISSUED	90
Ballot papers / envelopes returned for scrutiny	38
Less ballot papers / envelopes rejected at preliminary scrutiny	0
Adjusting Balance	0
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	38
Percentage of ballot papers returned to number issued	42%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	52

Sub-Divisional Representative (Depot Oganiser)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
LINCOLN, Timothy D	0	6
HEREDIA SANCHEZ, Luis	0	10
BOOTH, Darren	0	22
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	0	38
Formal ballot papers	38	38
Informal ballot papers	0	0

I declare Darren Booth elected.

Train Guards Sub-Division

Total number of persons on the roll of voters	0
Ballot papers issued	1097
Duplicate ballot papers issued	3
TOTAL BALLOT PAPERS ISSUED	1100
Ballot papers / envelopes returned for scrutiny	333
Less ballot papers / envelopes rejected at preliminary scrutiny	16
Adjusting Balance	0
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	317
Percentage of ballot papers returned to number issued	30%
Ballot papers returned as unclaimed mail	5
Ballot papers not returned	762

Branch Sub-Division Vice-President

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
STEWART, Gary	49	94
BEHAN, Barry	26	0
BENSON, Dave	21	0
JAIN, Pratyendra	8	0
SNELL, Keith	18	0
COLLIMORE, Paul	67	114
GALE, Bruce C	46	0
SELLS, David	38	0
NAIDU, Nagaiya	44	0
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	317	208
Formal ballot papers	317	317
Informal ballot papers	0	0

I declare Paul Collimore elected.

Noopur Madan
Returning Officer
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 Robert Hayden
National Secretary
Australian Rail, Tram and Bus Industry Union
83-89 Renwick Street
REDFERN NSW 2016

Dear Mr Hayden

**Re: Arrangements for the conduct of an Election
(E2007/250)**

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

The Registrar has made arrangements, under subsection 189(3) of Schedule 1 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', written in a cursive style.

Steve Teece
For Deputy Industrial Registrar
19 December 2007

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

Australian Rail, Tram and Bus Industry Union - New South Wales Branch
(E2007/250)

B. R. JENKINS
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 19 DECEMBER 2007

AMENDING DECISION

[1] On 5 October 2007 I issued a decision in relation to an election for offices within the abovenamed organisation. It has come to my attention that the decision contained an error in relation to the description of the position within the Locomotive Division. Accordingly my decision of 5 October 2007 is amended by replacing the description of that position with the following:

Locomotive Division

Railcorp Group (ETR)

Mortdale Sub-Division
Sub-Divisional Representative (Depot Organiser) (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 Schedule 1 of the *Workplace Relations Act 1996*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



TEECE, Steve

From: Ian.Henry@aec.gov.au
Sent: Friday, 14 December 2007 4:57 PM
To: TEECE, Steve
Cc: Lynne.Puckeridge@aec.gov.au; ihenry@internode.on.net
Subject: Re: E2007/250 ARTBIU Casual vacancies - decision [SEC=UNCLASSIFIED]

Attachments: ARTBIU Decision.pdf



ARTBIU
Decision.pdf (86 KB)
Steve

The attached Decision dated 5/10/07 (E2007/250) for the ARTBIU relates to two casual vacancies, one of which is identified as follows:

Locomotive Division
Railcorp Group (ETR) Sub-Division
Sub-Divisional Representative (Depot Organiser) - Mortdale.

However, the Prescribed Information the union sent to your office on 21/9/07 requesting that an election be held describes the office as:

Mortdale Sub-Division - within the NSW Locomotive Division
Sub-Divisional Representative (Depot Organiser)

The union has now informed me that -
there is not a Division known as the "Railcorp Group (ETR) Sub-Division"
in the Locomotive Division - there is only a 'Railcorp Group'.
there is a "Mortdale Sub-Division" which is the correct one for this
office.

As I am required to conduct a ballot for this office, I need to determine the correct electorate for the office. Therefore, would you agree there seems to be a need for the Deputy Industrial Registrar to issue an amendment to the Decision of 5/10/07, identifying the correct Sub-Division.

Also, could you please confirm that the current rules for this union are the ones currently on your website - [139V: incorporating all alterations certified on 21/8/06].

I would be grateful for your reply on Monday 17/12/07. Could you also please send a copy to ihenry@internode.on.net.

Thank you.

Ian Henry
Returning Officer
Australian Electoral Commission
(02) 9375.6321



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 Robert Hayden
National Secretary,
Australian Rail Tram Bus Industry Union
83-89 Renwick Street
REDFERN NSW 2016

Dear Mr Hayden

**Re: Arrangements for the conduct of an Election
(E2007/250)**

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 1 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
for Deputy Industrial Registrar
5 October 2007

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

Australian Rail, Tram and Bus Industry Union - New South Wales Branch
(E2007/250)

B. R. JENKINS
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 5 OCTOBER 2007

DECISION

[1] On 21 September 2007 the Australian Rail, Tram and Bus Industry Union lodged in the Industrial Registry the prescribed information in relation to an election for the following offices in the New South Wales Branch:

Rail Operations Division

Train Guards Sub-Division

Branch Sub-Division Vice-President (1)

Locomotive Division

Railcorp Group (ETR) Sub-Division

Sub-Divisional Representative (Depot Organiser) - Mortdale (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 1 of the *Workplace Relations Act 1996*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



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

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

E No 2007/250

**RE: AUSTRALIAN RAIL, TRAM AND BUS INDUSTRY UNION - NSW
BRANCH**

Positions:

See Decision

Relevant Information: casual vacancies, direct voting system, secret ballot, etc.

Contact: Robert Hayden
National Secretary

Phone: (02) 9310 3966

A copy of the decision is enclosed.

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



Steve Teece
for Deputy Industrial Registrar

5 October 2007

RATNASINGH, Chrishantha

From: RATNASINGH, Chrishantha
Sent: Monday, 24 September 2007 3:00 PM
To: 'Silvana.Edwards@aec.gov.au'
Subject: RE: E2007/250 - Casual vacancy - Prescribed information [SEC=UNCLASSIFIED]
Attachments: E2007-250.pdf; 139V ARTBIU 21 Aug 06.pdf

Chris Ratnasingh
Research Information and Advice Team - NSW
Australian Industrial Registry
02 8374 6607
chrishantha.ratnasingh@air.gov.au

From: Silvana.Edwards@aec.gov.au [mailto:Silvana.Edwards@aec.gov.au]
Sent: Monday, 24 September 2007 12:51 PM
To: RATNASINGH, Chrishantha
Subject: Fw: E2007/250 - Casual vacancy - Prescribed information [SEC=UNCLASSIFIED]
Importance: High

----- Forwarded by Silvana Edwards/NSW/AEC on 24/09/2007 12:46 PM -----

Good afternoon Chris

Could you please resend the attachments as I cannot open 'fax'. Thanking you.

Silvana Edwards
Administration Assistant
INDUSTRIAL & COMMERCIAL ELECTIONS

P 02 9375 6375
F 02 9212 7336

"RATNASINGH, Chrishantha"
<chrishantha.RATNASINGH@air.gov.au>

To <industrial.elections@aec.gov.au>

cc "VALE, David" <david.vale@air.gov.au>

24/09/2007 12:29 PM

Subject E2007/250 - Casual vacancy - Prescribed information

<<E2007-250.fax>> <<139V ARTBIU 21 Aug 06.pdf>>

Chris Ratnasingh

Research Information and Advice Team - NSW

Australian Industrial Registry

02 8374 6607

26/09/2007



chrishantha.ratnasingh@air.gov.au

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NATIONAL OFFICE
83-89 Renwick Street
REDFERN NSW 2016



Ph: (02) 9310 3966
Fax: (02) 9319 2096
rtbu@rtbu-nat.asn.au
www.rtbu-nat.asn.au

FACSIMILE TRANSMISSION

DATE: 21.9.07

TIME: 3.25PM

TO: A.L.R.

ATTENTION: ~~#~~ DEPUTY INDUSTRIAL REGISTRAR

ARRANGEMENT FOR THE CONDUCT OF AN ELECTION



SENDER: R. HAYDEN

Number of pages (including this page): 8. PAGES

(Please advise if total pages not received)

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RAIL, TRAM & BUS UNION

AUSTRALIAN RAIL, TRAM & BUS INDUSTRY UNION

ABN 28 921 128 419

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

Phone: (02) 9310 3966

Fax: (02) 9319 2096

Email: rtbu@rtbu-nat.asn.auweb: www.rtbu-nat.asn.au

RH:ds

21st September, 2007

Deputy Industrial Registrar
Australian Industrial Registry
Level 8, Terrace Towers,
80 William Street,
East Sydney, NSW 2011

Dear Sir,

RE: REQUEST FOR CONDUCT OF ELECTION

I, **Robert Norman Hayden** National Secretary of the Australian Rail, Tram & Bus Industry Union (RTBU) make the following statement:

- I am the National Secretary of the Australian Rail Tram & Bus Industry Union (RTBU).
- I am authorised to lodge the following prescribed information concerning forthcoming elections in the New South Wales Branch of the Australian Rail, Tram & Bus Industry Union (RTBU) and
- I confirm that the following information is being lodged under subsection 189(1) of the RAO Schedule.

1. Due to the resignation of **George Tsirkas from the NSW Branch Sub-Division Vice-President - Train Guards Sub-Division** a Casual Vacancy now exists and as such I write to seek that this vacancy be filled.

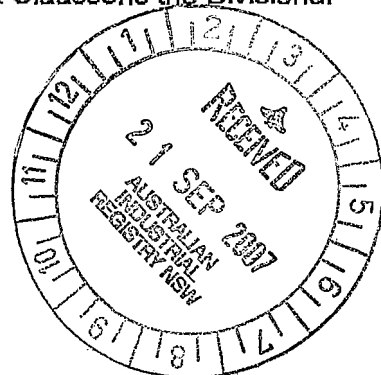
Attached is a copy of the resignation as received by Geoff Quinn Secretary Guards Sub-Division.

2. Due to the resignation of **Don Miller as Sub-Divisional Depot Organiser at Mortdale Depot** a Casual Vacancy now exists and as such I write to seek that this vacancy be filled.

Attached is a copy of the resignation as received by Mr. Alex Claassens the Divisional Secretary NSW Locomotive Division.

Yours faithfully,

Robert Hayden
NATIONAL SECRETARY



Office/Position

Train Guards Sub- Division, within the NSW Rail Operations Division

- **Branch Sub-Division Vice President - NSW Branch**

Election for the above office is required to fill a casual vacancy that has recently occurred (documentary information relating to the resignation of the persons holding the office is attached).

Mortdale Sub-Division – within the NSW Locomotive Division

- **Sub-Divisional Representative (Depot Organiser)**

Election for the above office is required to fill a casual vacancy that has recently occurred (documentary information relating to the resignation of the persons holding the office is attached).

Rail Tram and Bus Union NSW Branch



NL/HB

19th September 2007

Mr. R Hayden
National Secretary
Rail, Tram and Bus Union
National Office
83-89 Renwick Street
REDFERN NSW 2016

Dear Bob,

Re: Conduct of an Election

Please see attached the resignation of Mr. G Tsirkas, Vice-President of the Rail Operations, Train Guards Sub-Division.

It would be appreciated if you could organise for the conduct of an election for this position through the Australian Electoral Commission.

Thanking you

Yours faithfully,

N LEWOCKI
SECRETARY

Level 4, 321 Pitt Street
Sydney NSW 2000

Tel (02) 9264 2511
Fax (02) 9261 1342

E-mail
nswwho@rtbu-nsw.asn.au

Website
www.rtbu-nsw.asn.au

ABN 55 090 785 801

Newcastle Office
33 Gordon Avenue
Hamilton NSW 2303

Tel (02) 4961 4311
Fax (02) 4961 4779

E-mail
ptunaw@ozemail.com

yourrightsatwork
worth fighting for

Robert Hayden

From: Alex Claassens [aclaassens@rtbu-nsw.asn.au]
Sent: Wednesday, 12 September 2007 4:09 PM
To: Bob Hayden
Subject: FW: Resignation from Union Position.

Bob,

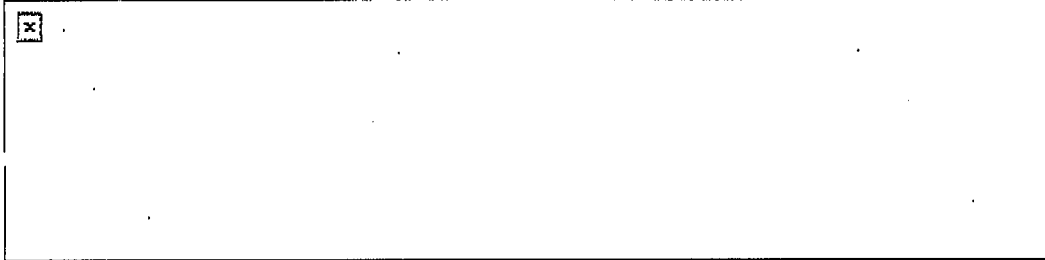
Please see attached email from Don Miller who has resigned as the Depot Organiser at Mortdale depot could you arrange for the AEC to conduct an election for the vacated position.

Cheers

Alex Claassens

Divisional Secretary | N.S.W Locomotive Division
Rail, Tram & Bus Union (NSW BRANCH)
☎ 02 9264 3400 ☎ 02 9264 7679 ☎ 0419-219309
✉ aclaassens@rtbu-nsw.asn.au
🌐 www.rtbu-locomotive.asn.au

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From: kmh002 [mailto:kmh002@tpg.com.au]
Sent: Saturday, 8 September 2007 11:30 AM
To: Alex Claassens
Cc: Allan Barden; Darren Booth
Subject: Resignation from Union Position.

The message is ready to be sent with the following file or link attachments:
06.09.07 Re Resignation from Union Position. Miller to Claassens

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20/09/2007