



**AEC**

**Australian Electoral Commission**

Our Ref: N11/156

**Mr Alex Claassens  
NSW Branch Secretary  
Australian Rail, Tram and Bus Industry Union  
Level 4, 321 Pitt Street  
Sydney NSW 2000**

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



Dear Mr Claassens,

**Australian Rail, Tram and Bus Industry Union  
Declaration for Contested Office for NSW Vacancy Election –Tempe Depot  
E No. 2011/2540**

I refer to Decision dated 11 March 2011 from Fair Work Australia concerning the arrangements for me to conduct an election for your organisation and wish to advise the result from this election. A copy of my Declaration of Result for the Contested Office is attached.

Please arrange a copy of the attached Declaration to be published on the Union webpage. I will notify the successful candidate as soon as possible.

I have also attached a copy of the Post Election report.

If you have any queries or concerns regarding the above please contact me on (02) 9375 6361.

Yours sincerely,

Keith Eaton  
Returning Officer  
17 June 2011

**Australian Rail, Tram and Bus Industry Union  
New Office NSW Tram and Bus Division Tempe Depot**

**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.

E2011/2540

**Tempe**

Total number of persons on the roll of voters	146
Ballot papers issued	137
Duplicate ballot papers issued	0
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>137</b>
Ballot papers / envelopes returned for scrutiny	130
Less ballot papers / envelopes rejected at Adjusting Balance	4 0
<b>TOTAL BALLOT PAPERS ADMITTED TO</b>	<b>126</b>
Percentage of ballot papers returned to number	94%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	7

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

<u>Candidates</u>	<u>Votes</u>
GRAHAM, Colin	12
SARKER, Ashish	113
Exhausted Votes	0
Loss/Gain by Fraction	0
Total votes	125
Formal ballot papers	125
Informal ballot papers	1

I declare Ashish Sarker elected.

Keith Eaton  
Returning Officer  
Australian Electoral Commission

17 June 2011



Fair Work (Registered Organisations) Act 2009

**POST ELECTION REPORT**

Australian Rail, Tram & Bus Industry Union

**ELECTION/S COVERED IN THIS REPORT**

**Election Decision No/s:**

**E2011/2540**

**Contact details:** Mr Alex Claassens  
NSW Branch Secretary  
Australian Rail, Tram and Bus  
Industry Union  
Level 4, Pitt Street  
SYDNEY NSW 2000

**Email:** rtbu@rtbu-nsw.asn.au  
**Tel:** 02 9310 3966

**FWA contact officer:** Stephen Kellett

**Email:** [david.vale@fwa.gov.au](mailto:david.vale@fwa.gov.au)  
**Tel:** 02 8374 6509

**RULES**

Rules used for the election: 139V: - incorporates alterations certified on 8/4/2009 in R2009/246 & R2009/247

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

**ROLL OF VOTERS – Tram & Bus Division (Tempe Depot )**

Total number of voters on the roll	146	
Number of apparent workplace addresses	0	0 %
Number of non-current addresses	0	0 %
Other Matters		

**IRREGULARITIES**

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

Other irregularities identified, and action taken: N/A

**ATTACHMENTS**

1) Declaration of Results for Contested Office

Keith Eaton  
Returning Officer  
17 June 2011



FAIR WORK  
AUSTRALIA

11 March 2011

Mr Alex Claassens  
Branch Secretary, New South Wales Branch  
Australian Rail, Tram and Bus Industry Union  
Level 4, 321 Pitt Street  
SYDNEY NSW 2000

Dear Mr Claassens

**Re: Arrangements for the conduct of an Election  
(E2011/2540)**

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

Fair Work Australia is making arrangements, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, 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

David Vale  
Fair Work Australia



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**  
(E2011/2540)

T. NASSIOS

MELBOURNE, 11 MARCH 2011

*Arrangement for conduct of election.*

[1] On 9 March 2011 the New South Wales Branch of the Australian Rail, Tram and Bus Industry Union lodged with Fair Work Australia the prescribed information in relation to an election for the following position:

**New South Wales Branch**

**Branch Divisional Committee (Tram and Bus Division)**

Sub-Divisional Representative (Tempe Depot) (1)

[2] On 10 March 2011 the Branch lodged a copy of a request to the Australian Electoral Commission made under s187 in relation to the abovementioned election.

[3] I am satisfied that an election for the abovenamed position 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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## **MOUTEVELIS, Michael**

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**From:** RIA Sydney  
**Sent:** Friday, 11 March 2011 11:16 AM  
**To:** 'industrial.elections@aec.gov.au'  
**Cc:** 'Lee.Jones@aec.gov.au'  
**Subject:** E2011/2540  
**Attachments:** E2011\_2540\_letter to AEC\_11032011.doc; E2011\_2540\_signed decision 11032011.pdf

Dear AEC

Please find attached a copy of the Decision for the upcoming election of the Australian Rail Tram and Bus Industry Union, New South Wales Branch (E2011/2540).

Regards

**MICHAEL MOUTEVELIS**  
Registered Organisations Unit - Sydney

**Fair Work Australia**

Tel: (02) 8374 6516  
Fax: (02) 9380 6990  
Email: [michael.moutevelis@fwa.gov.au](mailto:michael.moutevelis@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

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

Under subsection 189 of the Fair Work (Registered Organisations) Act 2009, please arrange for the conduct of the following election by the Australian Electoral Commission:

**E No 2011/2540**

**RE: AUSTRALIAN RAIL, TRAM AND BUS INDUSTRY UNION**

Positions:

See Decision

Contact: Australian Rail, Tram and Bus Industry Union, NSW Branch  
Alex Claassens, New South Wales Branch Secretary

Phone: (02) 9264 2511

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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](mailto:industrial.elections@air.gov.au)

Stephen Kellett  
for Delegate of the General Manager, Fair Work Australia  
11 March 2011

**VALE, David**

---

**From:** Peter Oconnor [Poconnor@rtbu-nsw.asn.au]  
**Sent:** Thursday, 10 March 2011 3:00 PM  
**To:** KELLETT, Stephen  
**Subject:** FW: Revised Application

**Peter O'Connor**  
Industrial Officer  
Rail, Tram & Bus Union (NSW Branch)  
Level 4, 321 Pitt Street, Sydney, NSW 2000  
Tel: 02 9264 2511 Mobile: 0430 188 116  
Email: [poconnor@rtbu-nsw.asn.au](mailto:poconnor@rtbu-nsw.asn.au)

Wollongong Office  
Level 1, 306A Crown Street  
Wollongong.NSW 2500  
Tel: (02) 4227 5798

*Organising Workers in the Transport Industry to Protect and Build their Rights at Work*

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---

**From:** Peter Oconnor  
**Sent:** Thursday, 10 March 2011 3:00 PM  
**To:** 'Lee.Jones@aec.gov.au'  
**Subject:** Revised Application

Lee

Thank you for your response to our request to conduct an election

Further to earlier request for the conduct of an election for the Tempe Bus Depot, it is not entirely clear as to whether this constitutes an office or position under the relevant legislation. So, in addition to the earlier request, can we amend this to also include a request to conduct an election for a 'position' pursuant to s187 of the Fair Work (Registered Organisations) Act 2009

Could you please advise if these requests, in addition to the prescribed information provided to Fair Work Australia is sufficient to facilitate this process

Regards

Peter



**Peter O'Connor**

Industrial Officer

Rail, Tram & Bus Union (NSW Branch)

Level 4, 321 Pitt Street, Sydney, NSW 2000

Tel: 02 9264 2511 Mobile: 0430 188 116

Email: [poconnor@rtbu-nsw.asn.au](mailto:poconnor@rtbu-nsw.asn.au)

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**VALE, David**

---

**From:** Peter Oconnor [Poconnor@rtbu-nsw.asn.au]  
**Sent:** Thursday, 10 March 2011 3:00 PM  
**To:** KELLETT, Stephen  
**Subject:** FW: Application to Conduct and Election [SEC=UNCLASSIFIED]

**Peter O'Connor**  
Industrial Officer  
Rail, Tram & Bus Union (NSW Branch)  
Level 4, 321 Pitt Street, Sydney, NSW 2000  
Tel: 02 9264 2511 Mobile: 0430 188 116  
Email: poconnor@rtbu-nsw.asn.au

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**From:** Lee Jones [mailto:Lee.Jones@aec.gov.au]  
**Sent:** Thursday, 10 March 2011 12:01 PM  
**To:** Peter Oconnor  
**Subject:** RE: Application to Conduct and Election [SEC=UNCLASSIFIED]

UNCLASSIFIED

Thanks Peter

If I receive the Decision from Fair Work Australia today there should be no problem having the position included in the call for nominations which takes place on Monday 14 March 2011.

Regards. Lee.

**Lee Jones | Operations Manager & Senior Returning Officer**  
Industrial Elections Branch  
Australian Electoral Commission  
T: 02 9375 6361 | M: 0412 268 599 | F: 02 9375 6336

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UNCLASSIFIED

**From:** Peter Oconnor [mailto:Poconnor@rtbu-nsw.asn.au]  
**Sent:** Thursday, 10 March 2011 10:31 AM  
**To:** Lee Jones  
**Subject:** Application to Conduct and Election

Mr Jones

The RTBU is requesting that you conduct an election in our Tram and Bus Division for the

**Tempe Sub-Divisional Representative to Divisional Committee (Depot Organiser)**

This request is in accordance with and following recent changes to the Union Rules to include Tempe Depot at Rule 100(4)

The relevant Application to Conduct an Election and prescribed information under s.189 of the Fair Work (Registered Organisations) Act 2009 has been forwarded to Fair Work Australia in anticipation of this.

Could you please advise if this request can be incorporated in the current recall of nominations and to coincide with the attendance ballots set down for 16 June 2011

Regards

Peter O'Connor

**Peter O'Connor**  
Industrial Officer  
Rail, Tram & Bus Union (NSW Branch)  
Level 4, 321 Pitt Street, Sydney, NSW 2000  
Tel: 02 9264 2511 Mobile: 0430 188 116  
Email: poconnor@rtbu-nsw.asn.au

**Wollongong Office**  
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Your Anti-virus Service scanned this email. It is safe from known viruses.  
For more information regarding this service, please contact your service provider.

## VALE, David

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**From:** KELLETT, Stephen  
**Sent:** Wednesday, 9 March 2011 11:30 PM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** FW: Application to Arrange for Conduct of Election - E2011/2540 - for joining to recall of E2010/2643  
**Attachments:** CCE09032011\_00000.pdf  
**Importance:** High

Dear Returning Officer

Please see the attached Prescribed Information lodged 9/3/11 in relation to a request for an election for a newly created position within the New South Wales Branch of the Australian Rail, Tram and Bus Industry Union.

Yours sincerely

Stephen Kellett  
Fair Work Australia  
80 William Street  
East Sydney NSW 2011  
(ph) 0429 462 979  
(email) [stephen.kellett@fwa.gov.au](mailto:stephen.kellett@fwa.gov.au)

---

**From:** Helen Byron [<mailto:hbyron@rtbu-nsw.asn.au>]  
**Sent:** Wednesday, 9 March 2011 12:28 PM  
**To:** KELLETT, Stephen  
**Cc:** Peter Oconnor; Allan Barden  
**Subject:** Application to Arrange for Conduct of Election  
**Importance:** High

Hi Stephen,

Further to your email regarding Application to Arrange for Conduct of Election for Tempe Depot, attached please find document as requested.

Please don't hesitate to contact Alex Claassens or Peter O'Connor if you require any further information.

Kind regards

Helen

Helen Byron  
PA to Branch Secretary  
Telephone: 02 9264 2511  
Fax: 02 9261 1342  
Email: [hbyron@rtbu-nsw.asn.au](mailto:hbyron@rtbu-nsw.asn.au)

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**To:** KELLETT, Stephen  
**Cc:** Peter Oconnor; Allan Barden  
**Subject:** Application to Arrange for Conduct of Election  
**Attachments:** CCE09032011\_00000.pdf

**Importance:** High

Hi Stephen,

Further to your email regarding Application to Arrange for Conduct of Election for Tempe Depot, attached please find document as requested.

Please don't hesitate to contact Alex Claassens or Peter O'Connor if you require any further information.

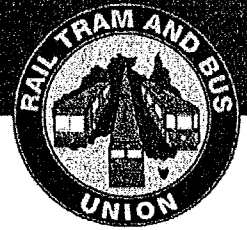
Kind regards

Helen

**Helen Byron**  
**PA to Branch Secretary**  
**Telephone: 02 9264 2511**  
**Fax: 02 9261 1342**  
**Email: [hbyron@rtbu-nsw.asn.au](mailto:hbyron@rtbu-nsw.asn.au)**

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## Application to Arrange for Conduct of Election

in accordance with Section 189 of the  
Fair Work (Registered Organisations) Act 2009

Tempe Bus Depot – Sub-Divisional Representative to Divisional  
Committee, Tram and Bus Division

### Statement of Prescribed Information

#### Regulation 138 Fair Work Registered Organisations Regulations 2009

I wish to apply for the conduct of an election at the Tempe Bus Depot, and supply the following information in support of such application:

- (a) The name of the office (one position) for which an election is required is Tempe Dub-Divisional Representative to Divisional Committee, Tram and Bus Division
- (b) The reason for the election is the creation of a new position to be filled in conjunction with all other positions and offices scheduled to commence a term of office
- (c) The election is for the one office described in (a)
- (d) The electorate is comprised of employees located at Tempe Bus Depot (sub-division) of the Tram and Bus Division of the Rail Tram and Bus Union NSW Branch
- (e) The dates and times of the beginning and end of nominations of candidates for this office are ; nominations open on 4 April 2011 and close at 5pm on 29 April, as determined by Australian Electoral Commission Returning Officer
- (f) An attendance ballot will be held on 16 June 2011
- (g) A direct voting system will be used at the attendance ballot at the Depot

I, Alex Claassens, Branch Secretary of the Rail Tram and Bus Union, NSW Branch, provide this information and make this statement that the above information is true and correct and lodged under subsection 189(1) of the Fair Work (Registered Organisations) act 2009.

Yours Faithfully,

Alex Claassens  
Branch Secretary

Level 4, 321 Pitt Street  
Sydney NSW 2000

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