

Australian Rail, Tram and Bus Industry Union

Queensland Branch Vacancy – Bowen Hills Depot

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election E2012/247 for the following office, conducted in accordance with the provisions of the Fair Work (Registered Organisations) Act 2009 and the rules of the organisation. Nominations closed at 5 PM on 25 May 2012.

Bowen Hills Depot Casual Vacancy Nominations

Bennett John Roche

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.

Chris McCormack
Returning Officer
18 June 2012



Australian Electoral Commission/AEC

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Australian Rail, Tram and Bus Industry Union

Queensland Branch Vacancy Election (Bowen Hills)

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: *E2012/ 247*

RULES

Rules used for the election: *(139V:alterations of 14/12/2011/232)*

Rules difficult to apply/interpret: *(Nil)*

Model Rule reference (if any): *N/A*

ROLL OF VOTERS

Total number of voters on the Roll: 234

Number of apparent workplace addresses: 23

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

1) Declaration of Results for Uncontested Offices

18 Jun 12

Chris McCormack
Returning Officer

18 Jun. 12



FAIR WORK
AUSTRALIA

26 March 2012

Mr Allan Barden
Assistant National Secretary
Australian Rail, Tram and Bus Industry Union
83 - 89 Renwick Street
REDFERN NSW 2016

Dear Mr Barden

**Re: Arrangements for the conduct of an Election
(E2012/247)**

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

James Hall
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
(E2012/247)

T. NASSIOS

MELBOURNE, 26 MARCH 2012

Arrangement for conduct of election.

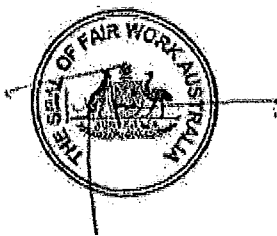
[1] On 21 March 2012, the Australian Rail, Tram and Bus Industry Union lodged with Fair Work Australia the prescribed information in relation to an election, for the remainder of the term, for the following office:

Queensland Branch

Branch Divisional Committee (Tram and Bus Division)

Sub-Divisional Representative (Bowen Hills Depot) (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
FAIR WORK AUSTRALIA

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HALL, James

From: HALL, James
Sent: Monday, 26 March 2012 11:15 AM
To: 'industrial.elections@aec.gov.au'
Subject: E2012/247 - Application/Notification by Australian Rail, Tram and Bus Industry Union (139V)
Attachments: E2012_247_ARTBIU letter to AEC_26032012.doc; E2012_247 ARTBIU Signed Decision_26032012.doc

Dear AEC

Please find a copy of the decision for the upcoming casual vacancy election of the Australian Rail, Tram and Bus Industry Union (E2012/247).

Regards

JAMES HALL

Registered Organisations Unit - Sydney
Fair Work Australia

Level 8
Terrace Tower
80 William Street
East Sydney NSW 2011

Tel: 02 8374 6641
Fax: 02 8374 6990
Email: james.hall@fwa.gov.au



FAIR WORK
AUSTRALIA

26 March 2012

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 2012/247

RE: AUSTRALIAN RAIL, TRAM & BUS INDUSTRY UNION

Positions:

See Decision

Relevant Information: Casual vacancy. Request made for election under s. 189 of the *Fair Work (Registered Organisations) Act 2009*.

Contact: Australian Rail, Tram & Bus Industry Union
Allan Barden, Assistant 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@fwa.gov.au

James Hall
Fair Work Australia

HALL, James

From: HALL, James
Sent: Wednesday, 21 March 2012 2:38 PM
To: 'industrial.elections@aec.gov.au'
Subject: E2012/247 - Application/Notification by Australian Rail, Tram and Bus Industry Union (139V)
Attachments: ARTBIU E2012_247 PI lodged 21032012.pdf; 139V ARTBIU R2011_232_14122011.pdf

Dear AEC

Please find the prescribed information and a copy of the current rulebook for an upcoming election of Australian Rail, Tram and Bus Industry Union (E2012/247).

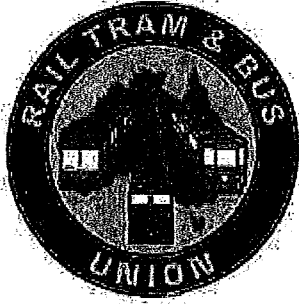
Regards

JAMES HALL

Registered Organisations Unit - Sydney
Fair Work Australia

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Terrace Tower
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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.au

web: www.rtbu-nat.asn.au

21 March 2012
Mr David Vale
Fair Work Australia
Terrace Tower
80 William St.
East Sydney,
NSW 2011



Subject:- **Election for Vacant Position**

Dear Sir,

I have received correspondence from Mr. Owen Doogan, Queensland Branch Secretary, informing me that Mr Adrian Turner, a successful candidate in our recent Elections (E 2010/2643 & E2010/2653) for the position of **QLD Branch, Bus and Tram Division, Sub Divisional Representative, Bowen Hills Depot**, confirming his resignation of the aforementioned position.

I refer to Rule 78(2) of the ARTBIU Rules; ***Where a casual vacancy occurs in relation to any Office within the Union and where the unexpired portion of a four year term of Office is more than twenty four months or where the unexpired portion of a two year term of Office is more than 12 months, a ballot shall be held to fill the Office in accordance with the provisions of this Part and the person or persons duly elected shall take office on and from the date of the declaration of the ballot.***

Therefore in accordance with Section 187 and 189 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 position of **QLD Branch, Tram and Bus Division, Sub Divisional Representative Bowen Hill Depot**.

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

I can be contacted on (02) 9310 3966 or by email abarden@rtbu-nat.asn.au if you have any further queries

Yours Sincerely,

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



RAIL, TRAM & BUS UNION

AUSTRALIAN RAIL, TRAM & BUS INDUSTRY UNION

ABN 28 921 128 419

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Fax: (02) 9319 2096

Email: rtbu@rtbu-nat.asn.au

web: www.rtbu-nat.asn.au

Mr Lee Jones
Senior Returning Officer
Australian Electoral Commission
PO Box 496
HAYMARKET NSW 1239

21st March 2012

Dear Mr Jones

Election of a Position for the Australian Rail, Tram and Bus Industry Union.

In accordance with Section 187 and Section 189 of the *Fair Work (Registered Organisations) Act 2009*, I am requesting that you arrange for the conduct of the election of Queensland Branch, Tram and Bus Division, Sub Divisional Representative, Bowen Hills Depot.

I have requested that the General Manager of Fair Work Australia arrange for an election to be conducted, and I have provided him with a copy of the prescribed information as required by Regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009*.

Please contact me on (02) 9310 3966 or by email abarden@rtbu-nat.asn.au if you have any queries.

Regards

Allan Barden
Assistant National Secretary

Cc: Mr. David Vale, Fair Work Australia

STATEMENT/ APPLICATION FOR ELECTION UNDER s187 AND s189

I, Allan Barden, Assistant National Secretary of the Australian Rail, Tram and Bus Industry Union, request the General Manager, FWA, to arrange for the conduct of an election by the AEC. The prescribed information in accordance with regulation 138 is lodged under subsection 187 and 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 Queensland Branch, Bus and Tram Division, Sub Divisional Representative Bowen Hills Depot.

2. The reason for the election is that an incumbent to the aforementioned position has resigned his position (see attached documentation) , and in accordance with Rule 78 (2) - Casual Vacancy of the Australian Rail, Tram and Bus Industry Union Federally registered Rules, an election is required for this now vacant position. Rule 78(2) states:-

“ Where a casual vacancy occurs in relation to any Office within the Union and where the unexpired portion of a four year term of Office is more than twenty four months or where the unexpired portion of a two year term of Office is more than 12 months, a ballot shall be held to fill the Office in accordance with the provisions of this Part and the person or persons duly elected shall take office on and from the date of the declaration of the ballot”

4. Eligibility and Electorate

Whole of the membership of the Queensland Branch, Bus and Tram Division, Bowen Hill Depot Sub Division.

5. The date and time of the beginning and end of the period in which nominations of candidates may be made for a casual vacancy is not defined in Rule 78(2) – Casual Vacancies, however the criteria for Tram and Bus Elections is an attendance ballot set out in Rule 75 (see attached rule 75.)

6. The kind of voting system to be used is a secret ballot as per Rule 119 (10) which states:-

“ Regional or Sub-Branch Representatives on Branch Divisional Committees shall be elected by a secret ballot of all the financial members of the relevant Branch Division within the Region or Sub-Branch(es).”

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

Signed 

Dated 21st March 2012

75 - ELECTION PROCEDURES: TRAM AND BUS DIVISION

- (1) All voting for National or Branch Offices which represent members within the Tram and Bus Division only, shall be by attendance ballot.
- (2) Elections for National or Branch Offices which represent members within the Tram and Bus Division only, shall be conducted in accordance with the timetable specified in Rule 71 with the necessary changes being made and be conducted by the National or Branch Returning Officers appointed pursuant to Rule 72. In addition, the provisions of Rule 73, with the exception of paragraphs (viii), (x), (xiii), (xiv), (xvi), (xvii) and (xviii), shall apply to such elections.

Members shall be notified by printed circulars setting out all positions for which an election is to be conducted by the Returning Officer. Such circulars to be posted in all work centres e.g. Depots, Sheds, Offices, Departments etc. where the Division members are employed. These circulars shall be displayed for at least three weeks prior to the closing of nominations.

- (3) If the number of nominations exceeds the number of vacancies, the Returning Officer shall arrange for a secret ballot to be held of all financial members within the relevant electorate. Such ballot shall be conducted by the Returning Officer over two days within the State of Victoria and over one day within other States within the ballot period specified in Rule 71 and the Returning Officer shall ensure that all members are advised of the time and place at which they may cast their votes.

The ballot of financial members of the Division shall be held on the same day/days. Where the ballot is held on one day the ballot must be held on the Thursday of the third full week in November. Where the ballot is held over two days the ballot must be held on the Wednesday and Thursday of the third full week of November. The time(s) for polling shall be 7.00 a.m. to 4.30 p.m. on the day(s) of the ballot. Members shall be notified by printed circular of the time and date(s) of polling, circulars to be posted in all work centres.

- (4) Any member who satisfies the Returning Officer that he/she will be unable to vote personally on the day fixed for the ballot, shall be provided with a postal ballot and the provision and processing of such postal ballot shall be in accordance with paragraphs (x), (xiii), (xiv), (xv), (xvi), (xvii) and (xviii) of Rule 73.
- (5) Except in the case of absent voting pursuant to the provisions of Sub-Rule 75(5), ballots covered by this Rule shall be in accordance with the following provisions:-
 - (i) Ballots shall be conducted in a room or marquee or other suitable place that will ensure suitable voter privacy;
 - (ii) An Assistant Returning Officer appointed pursuant to Rule 72 shall be in attendance at such polling place and shall ensure that members entitled to vote are afforded an adequate opportunity of voting without intimidation;
 - (iii) A voter's roll shall be provided at each polling place and the Assistant Returning Officer shall ensure that a record of each member voting is duly made on the roll.

As soon as practicable after the date determined for the commencement of issuing ballot papers in respect of an election, the Returning Officer shall deliver to each

76 - COLLEGIATE ELECTIONS

Assistant Returning Officer sufficient ballot papers for each person whose name appears on the roll of voters for the relevant work centre.

At the end of each day's voting the Returning Officer shall check with the Assistant Returning Officer the number of ballot papers issued with the voters roll to ensure that no votes are cast except by those entitled to do so and that no voter has cast more votes than he/she is entitled to;

- (iv) Sealed and locked ballot boxes must be used at the conclusion of the ballot and all boxes must be transported personally by the Assistant Returning Officer in charge of the particular booth to the custody of the Returning Officer;
- (v) Once a voter has marked his/her ballot paper, he/she shall deposit such ballot paper in the ballot box in the presence of the Assistant Returning Officer;
- (vi) The Returning Officer shall after the closing of the ballot, collect the envelopes containing the absentee ballot papers from the post office box in time for them to be counted together with the votes cast at the various work centres. Each Assistant Returning Officer shall provide the Returning Officer with a Declaration which will show:-
 - (a) the number of ballot papers received;
 - (b) the number of ballot papers issued (other than duplicate ballot papers); and
 - (c) the number of duplicate ballot papers issued.

Upon return of the ballot boxes to the Returning Officer, the Returning Officer shall supervise and monitor the removal of the ballot papers from the ballot box, the admission of those ballot papers which are properly marked and the counting of those ballot papers by the Assistant Returning Officers;

- (vii) The Returning Officer shall declare the result of the ballot as soon as practicable following the completion of the count.

76 - COLLEGIATE ELECTIONS

- (1) Collegiate elections shall be conducted by the National or Branch Returning Officer and shall be by secret ballot undertaken at a meeting of the relevant Governing Body which constitutes the electoral college.
- (2) The following provisions shall apply to collegiate elections:-
 - (i) Nominations shall be called by notice sent by the Returning Officer to the postal address of each member of the Governing Body eligible to nominate, at least thirty days prior to the meeting at which the ballot is to occur;
 - (ii) Nominations shall close at 12.00 noon on the first day of the scheduled meeting of the Governing Body;
 - (iii) The provisions of paragraphs (ii) and (iii) of Rule 73 shall apply to nominations for collegiate elections;

78 - CASUAL VACANCIES

- (iv) Any member nominating may withdraw his/her nomination by advising the Returning Officer in writing at any time up to the close of nominations;
- (v) Any member of the Governing Body entitled to vote who satisfies the Returning Officer that he/she will be unable to vote personally on the day fixed for the ballot, shall be provided with a postal ballot and the provision and processing of such postal ballot shall be in accordance with paragraphs (x), (xiii), (xiv), (xv), (xvi), (xvii) and (xviii) of Rule 73;
- (vi) If the number of nominations does not exceed the number of vacancies, the Returning Officer shall declare the nominees duly elected;
- (vii) If the number of nominations exceeds the number of vacancies, a secret ballot of the members of the Governing Body entitled to vote shall be held during the course of the afternoon on the first day of the meeting of such Governing Body;
- (viii) The method of voting shall be as prescribed in Rule 74;
- (ix) In addition to the provisions specified elsewhere in this Rule, the provisions of paragraphs (v), (xix), (xx), (xxi) and (xxii) of Rule 73 shall apply to collegiate elections.

77 - NOMINATION FOR MORE THAN ONE OFFICE

Where two Offices cannot be held simultaneously under these Rules then a person may not nominate for both Offices. Where a person does so nominate, he/she shall be required by the Returning Officer to elect which of the Offices he/she wishes to nominate for. Where a person declines or otherwise fails to so elect, then he/she shall be deemed to have nominated for that Office having the highest ranking in the order of preference shown in Sub-Rule 31(1) and in the Rules specifying Branch Offices in Parts X to XV of these Rules, with National Offices ranking ahead of Branch Offices.

78 - CASUAL VACANCIES

- (1) A casual vacancy occurs when an Office Bearer dies, resigns or is removed from office or ceases to hold office in accordance with these Rules.
- (2) Where a casual vacancy occurs in relation to any Office within the Union and where the unexpired portion of a four year term of Office is more than twenty four months or where the unexpired portion of a two year term of Office is more than 12 months, a ballot shall be held to fill the Office in accordance with the provisions of this Part and the person or persons duly elected shall take office on and from the date of the declaration of the ballot.
- (3) Where an election is to be held pursuant to the provisions of Sub-Rule 78(2), the National Council in the case of a National Office or the Branch Council in the case of a Branch Office, may appoint a person to fill the vacant Office pending the declaration of the ballot.
- (4) Except as provided in sub-rule (2), the National Council, in the case of National Office Bearers and the Branch Council in the case of Branch Office Bearers may appoint a person to fill a casual vacancy.
- (5) Where a person is elected under Sub-Rule 78(2) or appointed under Sub-Rule 78(4) to fill a casual vacancy, then he/she shall hold office for the unexpired portion of the term.

80 - IRREGULARITIES

- (6) Notwithstanding anything elsewhere contained in this Rule, where an appointment is made pursuant to the provisions of Sub-Rules 78(3) or (4) in relation to an Office which, under these Rules, is to be filled on the basis of an order of seniority, then any appointment to a casual vacancy shall be in accordance with that order of seniority.

79 - TEMPORARY APPOINTMENTS

- (1) Subject to Sub-Rule 79(2) and (3), where by reason of illness, absence on leave or any other reason, an Office Bearer is unable to fulfil the duties of his/her Office for a period exceeding six weeks, then the National Executive in the case of National Office Bearers and the Branch Executive in the case of Branch Office Bearers, may appoint an Office Bearer to act in the Office for the duration of the absence with such appointee having all the rights and duties of the particular Office.
- (2) In the case of the National President and the National Secretary, a National Vice- President and the Assistant National Secretary or an Assistant National Secretary (Divisional) respectively shall act in the Office pursuant to the provisions of Rules 37 and 38A. In the case of the Branch President and the Branch Secretary, a Branch Vice-President and the Assistant Branch Secretary respectively, shall act in the Office pursuant to the provisions of Rule 53 and 55.
- (3) In the case of the Assistant National Secretary, an Assistant National Secretary (Divisional) shall act in the office pursuant to the provisions of Rule 38A.

PART IX - GENERAL

80 - IRREGULARITIES

- (1) Any Governing Body within the Union may continue to function notwithstanding any vacancy thereon provided that the requisite quorum is present.
- (2) No failure to give notice or other defect in the calling of any meeting of any Governing Body within the Union shall invalidate the proceedings thereof unless such failure or defect results in the non-attendance of some member or members otherwise able and willing to attend. Provided that any such failure or defect may be waived by such member or members.
- (3) All communications sent to members or Office Bearers pursuant to the provisions of any of these Rules, may be sent to such member or Office Bearer at the last address notified by him/her to the Union.
- (4) Except where the Rules provide for a specific form of communication, all communications to members or Office Bearers may be sent by post, telegraph, telex, facsimile transmission or other like means and shall be deemed to have been received by such member or Office Bearer in the ordinary course of post, telegraph, telex, facsimile transmission or like means, as the case may be.
- (5) Except in the case of disciplinary proceedings under Rule 69, no decision or proceeding of any Governing Body provided for under these Rules shall be invalidated by the presence at or participation of any person not entitled to be present or to participate therein if, apart from such person, the requisite quorum was present and the vote of such a person did not determine the decision or the result of the proceedings.