



Australian Road Transport
Industrial Organisation
ABN: 63 734 697 902

AUSTRALIAN ROAD TRANSPORT INDUSTRIAL ORGANISATION

Respect, Respond and Represent

14th April 2016

Kathryn Montgomery
Returning Officer, NSW State Office
Australian Electoral Commission
2 Lonsdale St
Melbourne 3000
By email: Kathryn.Montgomery@aec.gov.au

Dear Ms Montgomery

Re: E2015/261 – Australian Road Transport Industrial Organisation (ARTIO), NSW Branch election

I refer to your Post election Report of 22 March 2016 concerning a difficulty in applying the NSW Branch Rules in the above election.

Consistent with our legal obligations to respond within 30 days, the ARTIO can advise you that it will take all necessary steps to amend its rules and remove the difficulty identified in your report.

ARTIO will amend its rules, both National and Branch, to provide for a period of 14 days from close of nominations as the time limit available to conduct the draw, and prepare and post ballot material. Extending the time period from the current 7 days to 14 days should provide sufficient time for any defective nominations to be rectified.

A copy of this letter has been sent to Catherine Bebbington at the Registered Orgs Branch at the FWC. Further, a copy of your report and this response will be posted to the ARTIO web-site as soon as practicable.

Please contact Paul Ryan, the ARTIO's National Industrial Advisor on paulryan@bigpond.net.au or phone 0415 331 031, should you require any further information or explanation.

Yours sincerely

Peter Garske
National Secretary/Treasurer
Email: peter@qta.com.au
Phone: 0418 724 981

ARTIO National

PO Box 5, South Melbourne, Victoria 3205
T 03 9646 8590 | F 03 9646 8596 | E reception@vta.com.au

State Branches

ARTIO VIC	PO Box 5, South Melbourne, Victoria 3205	T 03 9646 8590	F 03 9646 8596	E reception@vta.com.au
ARTIO QLD	PO Box 325, Stones Corner, Queensland 4120	T 07 3394 4388	F 07 3397 9324	E admin@qta.com.au
ARTIO NSW	PO Box 277, Hurstville, New South Wales 2220	T 0412 880861	F 02 9579 2333	E hughmc@artionsw.com.au
ARTIO WA	37-41 Cohn Street, Carlisle, Western Australia 6101	T 08 9355 3022	F 08 9355 3122	E iking@warta.com.au
ARTIO TAS	PO Box 728, Riverside, Tasmania 7250	T 0409 274 482		E ed@tta.org.au



22 March 2016

Mr Hugh McMaster
Secretary/Treasurer
Australian Road Transport Industrial Organization - NSW Branch

By email: hughmc@artionsw.com.au

Dear Mr McMaster,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election [E2015/261]. This letter is a reminder of certain obligations imposed on organisations and persons elected to office.

Section 154D(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the rules of organisations (and branches of organisations) to require 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 should be provided for in your organisation's rules.

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 Road Transport Industrial Organization - NSW Branch 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. I have attached a template notification of changes which may assist you. If any change does not apply until a specific date, you don't 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.

Regards

Anastasia Kyriakidis
Regulatory Compliance Branch

**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return)
required to be kept in accordance with section 230 *Fair Work (Registered Organisations)
Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009***

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 1. [include OLD name and address and NEW name and address of every branch that has changed]
 2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:³
 - COMMENCED/CEASED operation:
 1. [include name of each new branch]
 2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to orgs@fwc.gov.au.]

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Reason for change	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder (for privacy reasons, we recommend NOT a private address)	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Retiring</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
...							
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Resignation</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
...							

From: Kathryn Montgomery [mailto:Kathryn.Montgomery@aec.gov.au]
Sent: Tuesday, 22 March 2016 1:13 PM
To: Hugh McMaster
Cc: Orgs; Industrial Elections
Subject: Post Election Report ARTIO E2015/261 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hugh McMaster
Australian Road Transport Industrial Organization
NSW Branch Vacancies
Election E2015/261

Good Morning Hugh

I refer to the above election for your organisation.

Section 197(1) of the *Fair Work (Registered Organisations) Act 2009* ("the Act") requires the AEC to provide a written report on the conduct of the election to the Fair Work Commission and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of the Act requires that if an organisation or branch is given a Post-Election Report under Section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the Post-Election Report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the *Fair Work (Registered Organisations) Regulations 2009* requires an organisation or branch to publish a notice on its website advising members that a copy of the Post-Election Report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Regards,
Kathryn Montgomery | Returning Officer
Industrial & Commercial Elections | NSW State Office
Australian Electoral Commission
T: (02) 9375 6375 | F: (02) 6215 9910



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Australian Road Transport Industrial Organization Vacancy Branch Vice-President

Declaration of Results for Uncontested Offices

E2015/261

Below are 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.

New South Wales Branch Committee

Vice-President

Candidates

No nomination was received

As no nominations were received, I declare the office vacant.



Kathryn Montgomery
Returning Officer

10 March 2016

**Australian Road Transport Industrial Organization
New South Wales Branch
Vacancy Branch Committee Member**

Declaration of Results for Uncontested Offices

E2015/261

Below are 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.

New South Wales Branch

Branch Committee Member

Candidates

No nomination was received

As no nominations were received, I declare the office vacant.



Kathryn Montgomery
Returning Officer
18 February 2016

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: Australian Road Transport Industrial Organization
Contact details: Hugh McMaster **Email:** hughmc@artionnsw.com.au
Secretary / Treasurer
Australian Road Transport Industrial
Organisation
PO Box 277
HURSTVILLE NSW 2220

AIR contact officer: Catherine Bebbington **Email:** orgs@fwc.gov.au

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2015/261 - Vacancies

RULES

Rules used for elections - Rule ID: [278V: Incorporates alterations of 15/10/2014] [R2014/241]

Rules difficult to apply/interpret: Branch Rule 14(8) all elections conducted in manner provided for in Branch Rule 12. Branch Rule 12(5) requires persons be provided not less than 7 days to rectify a defective nomination after being notified. Branch Rule 14(7) requires a ballot if required be conducted within 7 days of nominations closing, insufficient time to resolve a defective nomination, conduct the draw for ballot paper position Rule 14(10), prepare and post ballot material.

Model Rule reference (if any): None

ROLL OF VOTERS

As the election was uncontested no Roll of Voters used.

ALLEGATIONS OF IRREGULARITIES RECEIVED:

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

Other irregularities identified, and action taken NIL

ATTACHMENTS

1. Declaration Results Uncontested Offices Branch Committee Member
2. Declaration Results Uncontested Branch Vice-President



Kathryn Montgomery
Returning Officer
22 March 2016.



DECISION

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

Australian Road Transport Industrial Organization (E2015/261)

MR ENRIGHT

MELBOURNE, 17 DECEMBER 2015

Arrangement for conduct of election.

[1] On 13 November 2015 the New South Wales Branch of the Australian Road Transport Industrial Organization lodged with the Fair Work Commission the prescribed information in relation to an election to fill a casual vacancy in the following offices:

Branch Vice-President
Branch Committee Member

[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 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

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Australian Road Transport
Industrial Organisation

New South Wales Branch

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Email: hughmc@artionsw.com.au

ABN: 93149961882

13 November 2015

Ms Eve Anderson
Principal Adviser
Regulatory Compliance Branch
Fair Work Commission
GPO Box 1994
MELBOURNE VIC 3001

Dear Ms Anderson

I wish to advise that Scott Corporation has resigned as a Member of the Australian Road Transport Industrial Organisation NSW Branch (ARTIO NSW). As a result Mark Wintle has resigned as Vice-President of ARTIO NSW and a vacancy has been created on the ARTIO NSW Committee.

ARTIO NSW's Branch Rule 12 appears to suggest there is a need to conduct an election.

Please find attached a Notice and Statement of Prescribed Information for an Election.

Please contact me, telephone, 0412 880861, email, hughmc@artionsw.com.au, if further information is required.

Yours sincerely

Hugh McMaster
Secretary/Treasurer

Notice and Statement of Prescribed Information for an Election

I, Hugh McMaster, being the Secretary/Treasurer of the Australian Road Transport Industrial Organisation New South Wales Branch, make the following statement:

I am the Secretary/Treasurer of the Australian Road Transport Industrial Organisation New South Wales Branch,

I am authorised to lodge the following prescribed information concerning forthcoming elections in the Australian Road Transport Industrial Organisation New South Wales Branch of the Australian Road Transport Industrial Organisation, and

I confirm that the following information is being lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009*.



Signed: [signature]

13 November 2015

Dated: [date]

Offices/Positions

A	Branch Vice-Presidents (1) (Collegiate)
	Branch Executive Committee Members (1) (Direct Voting System)

Reasons for election:

- Election for offices and positions marked A is required to fill casual vacancies that have recently occurred (documentary information relating to the resignation of the persons holding the offices of Branch Councillor is enclosed).

Elected by:

- The electorate for the direct voting system is the whole of the Branch.
- The electorate for the collegiate is the Committee of Management.

Nominations open:

- To be determined by the Returning Officer.

Nominations close:

- To be determined by the Returning Officer.

Cut off date for roll:

- In all cases - 7 days prior to the opening date for nominations.