



6 January 2016

Mr Ian King  
Secretary/Treasurer  
Australian Road Transport Industrial Organization-Western Australian Branch  
iking@warta.com.au

Dear Mr King,

**Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Commission a declaration of results for the election of six branch committee members [E2015/239]. 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 Fair Work Commission (the Commission) within 35 days of any changes to the holders of office in the organisation. If the election has resulted in any changes to the holders of office, the Australian Road Transport Industrial Organization-Western Australian 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

Christine Hibberd  
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].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  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]:<sup>3</sup>
  - 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](mailto:orgs@fwc.gov.au).]**

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<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> 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:** Simon Bulloch <Simon.Bulloch@aec.gov.au>  
**Sent:** Thursday, 10 December 2015 12:23 PM  
**To:** Orgs; iking@warta.com.au; Industrial Elections  
**Subject:** E2015.239 ARTIO WA Branch Election - Post Election Report and Uncontested Declarations for Stages 1 and 2. [SEC=UNCLASSIFIED]  
**Attachments:** E2015.239 ARTIO WA Branch - Post Election Report.pdf; E2015.239 ARTIO WA Branch Election Stage 2 - Declaration of Uncontested Offices.pdf; E2015.239 ARTIO WA Branch Stage 1 - Uncontested Declaration.pdf

## UNCLASSIFIED

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,

**Simon Bulloch | Manager**

Election Services | WA State Office

Australian Electoral Commission

T: (08) 6363 8011 | M: 0413 006 210 | F: (08) 6363 8052



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# UNCLASSIFIED

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## POST ELECTION REPORT

**Client:** Australian Road Transport Industrial Organization - Western Australian Branch  
**Contact details:** Ian King

**Email:** [iking@warta.com.au](mailto:iking@warta.com.au)  
**Tel:** (08) 9355 3022

**FWA contact officer:** Catherine Bebbington

**Email:** [catherine.bebbington@fwc.gov.au](mailto:catherine.bebbington@fwc.gov.au)  
**Tel:** Not Provided

### ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: E2015/239

### RULES

Rules used for the election: [278V: Incorporates alterations of 15/10/2014 [R2014/24]] (replaces alterations of 01/01/2014 determined on 28/11/2013 [R2013/65])

Model Rule reference (if any): N/A  
Rules difficult to apply/interpret: None  
Model Rule reference (if any): N/A

### ROLL OF VOTERS

The roll was provided by the organisation and only utilised to send out by post the election notice and nominations form to eligible members

### IRREGULARITIES

Nil

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

Other irregularities identified, and action taken:

### ATTACHMENTS

Declaration of Results for Uncontested Offices for Stages 1 and 2



Simon Bulloch  
Returning Officer  
10 December 2015.

# Australian Road Transport Industrial Organization Stage 2 - Branch Officers

## Declaration of Results for Uncontested Offices

**E2015/239**

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.

### Western Australian Branch

#### Branch President

Candidates

U'CHONG, Ray

#### Branch Vice President (2)

Candidates

PRESTON-SAMSON, Hale  
SUTHERLAND, Kyle

#### Branch Secretary/Treasurer

Candidates

KING, Ian

#### Branch Alternate Representative to Council

Candidates

KING, Ian

#### Branch Representative to Council

Candidates

U'CHONG, Ray

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



Simon Bulloch  
Returning Officer

10 December 2015

**Australian Road Transport Industrial Organization  
Western Australian Branch  
Stage 1 - Branch Committee Members**

**Declaration of Results for Uncontested Offices**

**E2015/239**

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.

**Western Australian Branch**

**Branch Committee Members (6)**

Candidates

BEACH, Peter  
KING, Ian  
NATHAN, Derek  
PRESTON-SAMSON, Hale  
SUTHERLAND, Kyle  
U'CHONG, Ray

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



Simon Bulloch  
Returning Officer  
23 November 2015





## DECISION

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

### **Australian Road Transport Industrial Organization** (E2015/239)

MR ENRIGHT

MELBOURNE, 5 OCTOBER 2015

*Arrangement for conduct of election.*

[1] On 3 September 2015, the Western Australian Branch of the Australian Road Transport Industrial Organization lodged with the Fair Work Commission prescribed information. Further prescribed information was lodged on 14 September 2015. The prescribed information is in relation to an election for the following offices due to insufficient nominations in E2014/268:

Branch Committee Members (6)

Branch President  
Branch Vice-Presidents (2)  
Branch Secretary/Treasurer  
Branch Representative to Council  
Branch Alternate Representative to Council

[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

ABN: 63 734 697 902

# AUSTRALIAN ROAD TRANSPORT INDUSTRIAL ORGANISATION

*Respect, Respond and Represent*

3<sup>rd</sup> September, 2015.

Ms Katherine Bebbington  
Fair Work Commission  
GPO Box 1994  
Melbourne Vic 3001

E: [katherine.bebbington@fwc.gov.au](mailto:katherine.bebbington@fwc.gov.au)

Dear Katherine,

## **RE: ELECTIONS ARTIO (WA Branch)**

Thank you for communicating with the undersigned in relation to the aforementioned subject. This is in response to my letter to Mr Chris Enright re the same subject matter.

I have attached the prescribed information for election arrangements for the conduct of an election for the Western Australian office within the Australian Road Transport Industrial Organisation (ARTIO) by the Australian Electoral Commission.

Should you have any queries please do not hesitate to contact the undersigned.

Thank you again for your guidance over this matter.

Yours sincerely

**IAN KING**

**Branch Secretary/Treasurer**  
**Australian Road Transport Industrial Organisation (ARTIO), Western Australian Branch**

**Physical:** 37 - 41 Cohn Street, Carlisle WA 6101  
**Office Phone:** 08 9355.3022 | **Mobile:** 0407 989 255 | **Fax:** 08 9355.3122  
**Email:** [iking@warta.com.au](mailto:iking@warta.com.au) | **Website:** <http://www.artio.org.au>



Australian Road Transport  
Industrial Organisation

### ARTIO National

PO Box 5, South Melbourne, Victoria 3205

T 03 9646 8590 | F 03 9646 8596 | E [reception@vta.com.au](mailto:reception@vta.com.au)

### State Branches

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

### **Notice of Prescribed Information for Election**

I, Ian King, Secretary / Treasurer of the Western Australian Branch of the Australian Road Transport Industrial Organisation (ARTIO), being an officer under the Rules of ARTIO, who is authorised to sign this statement, hereby state that the prescribed information herein is lodged under section 189(1) of the *Fair Work (Registered Organisations) Act 2009*, in relation to elections for the following office of the Organisation:

#### **Office and Voting System:**

##### Western Australian Branch

- Branch Committee Members (6) – direct election
  
- Branch President – by and from the Branch Committee
- Branch Secretary / Treasurer - by and from the Branch Committee
- Branch Vice Presidents (2) - by and from the Branch Committee
- Branch Committee Officers (2) - by and from the Branch Committee
  
- Branch Representative to Council - by and from the Branch Committee
- Branch Alternative Representative to Council - by and from the Branch Committee.

#### **Reasons for Election:**

- 1: The reason for the Election for the office, set out above, is that no nominations were received;

##### Office of the Organisation:

- 2: The last election for the Secretary / Treasurer, President, Vice Presidents (2), Executive Committee members (2), Branch Representatives (2) and Branch Alternative Representatives to Council, were completed in December 2010 (see Delegate's Decision E2010/2673 dated 11<sup>th</sup> October, 2010 and AEC Returning Officer's Declarations dated 8<sup>th</sup> and 23<sup>rd</sup> December, 2010);
- 3: The "annual election in 2009" (as per sub-rules 29(1) and 25(2)) was in fact completed in December, 2010 (per Declarations pursuant to E2010/2673);

##### Branch Office:

- 4: Branch sub-rule 12(1A) provides – *"For the purpose of synchronising elections for federal and branch office holders, from the assumption of office following the declaration of 2011 branch elections, the term of office shall be for three years until 2014, whereupon the term of office shall be for four years thereafter."*

- 5: In respect of the “2011 Branch Elections” please refer to the Delegate’s decision E2010/214 dated 20<sup>th</sup> February, 2012 and to the AEC Returning Officer’s declarations dated 26 March 2012 and 24<sup>th</sup> April, 2012 respectively.

**Electorate:**

Branch Office of the Organisation:

- 6: The electorate for the Branch Secretary / Treasurer required to be elected by direct voting system comprise all members of the Western Australian Branch, subject to the financial status of such members giving them right to vote;
- 7: The electorate for the President, and Vice Presidents (2) required to be elected by direct voting system comprise all members of the Western Australian Branch, subject to the financial status of such members giving them right to vote;
- 8: The electorate for the Branch (and Alternative) Representatives to Council (2) required to be elected by direct voting system comprise all members of the Western Australian Branch, subject to the financial status of such members giving them right to vote;
- 9: The electorate of the respective Branch Committee Members (6) required to be elected by direct voting system comprise all members of the Western Australian Branch, subject to the financial status of such members giving them right to vote;
- 10: The electorate for the Branch Office is the college made up of the Branch Committee.

**Nominations Open and Close:**

- 11: In the circumstances of the elections for the offices the subject of this notification, it is submitted that the direct election for the offices referred to in paragraph 15 below must be completed as the first stage. Accordingly, for Branch Committee Members (6):
- Nominations are requested to open on 19<sup>th</sup> October, 2015
  - Nominations are requested to close on 11<sup>th</sup> November, 2015
- 12: Dates for the opening and closing of nominations of all other offices are dependent upon whether a ballot or ballots are necessary, having regard to the minimum time periods for nominating under the Rules, as set out in the following paragraphs 13 to 17;

Offices of the Organisation:

- 13: In respect of the election by direct voting systems for the Secretary / Treasurer, the nominations are required to remain open for not less than 10 and not more than 20 days (sub-rule 30(4));
- 14: In respect of the collegiate election for President, Vice-President (2) and Executive Committee Members (2), the nominations are required to remain open for not less than 10 and not more than 20 days (sub-rule 29(4));
- 15: In respect of the collegiate election of the Branch (And Alternative) Representatives to Council (2) the minimum period for which nominations are to remain open is not specified (sub-rule 25);

Branch Offices:

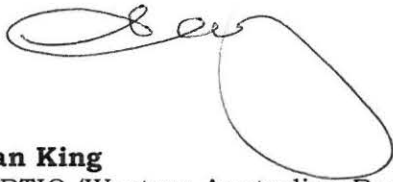
- 16: In respect of the election by direct voting systems for Branch Committee members (6), the minimum period for which nominations are required to remain open is required to remain open is not specified (see branch rule 12);
- 17: In respect of the collegiate election for Branch President, Branch Secretary / Treasurer, Branch Vice-President (2) and Branch Committee Members (2), the nominations are required to remain open for not less than 10 and not more than 20 days (sub-rule 14(4));

**Roll of Voters to be closed**

Should any ballots be necessary the rules provide that "The roll of voters for any ballot shall close seven days before the day on which nominations for the election open";

**Voting System**

The voting system as between a direct voting system and a collegiate electoral system (identified by the words "by and from", is identified above in respect of each of the above named offices.

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

**Ian King**  
ARTIO (Western Australian Branch)  
3<sup>rd</sup> September, 2015