



24 May 2016

Mr Anthony Sheldon
National Secretary
Transport Workers' Union of Australia

twu@twu.com.au

Dear Mr Kaine,

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 [E2016/98]. 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 Transport Workers' Union of Australia 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

Debbie Ball
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>
...							



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: Transport Workers Union of Australia (TWU)

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2016/98

RULES

Rules used for elections Rule ID: [179V:Incorporates alteration of 10/11/2015 [R20175](replaces 28/7/2014 [R2014/160])

Rules difficult to apply/interpret: None

Model Rule reference (if any):

ROLL OF VOTERS

Total number of voters on the roll N/A

Number of apparent workplace addresses

Number of non-current addresses

Other Matters Nil

ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: None

ATTACHMENTS

A: Declaration of Uncontested Offices

Rhys Richards
Returning Officer
18 May 2016

Transport Workers' Union of Australia National Offices

Declaration of Results for Uncontested Offices

E2016/98

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.

National President

Candidates

WYATT, Ray

National Vice-President

Candidates

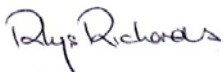
BIAGINI, Peter

National Trustees (3)

Candidates

FENNELL, Chris
HARVEY, Margaret
OLSEN, Richard

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



Rhys Richards
Returning Officer

16 May 2016



DECISION

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

Transport Workers' Union of Australia
(E2016/98)

MR ENRIGHT

MELBOURNE, 27 APRIL 2016

Arrangement for conduct of election.

[1] On 8 March 2016 the Transport Workers' Union of Australia lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

National President
National Vice President
National Trustees (3)

[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

Printed by authority of the Commonwealth Government Printer

<Price code A, PR579625>

Tony Sheldon National Secretary

8 March 2016

Ms Bernadette O'Neill
General Manager
Fair Work Commission

Attn: Catherine Bebbington

By email: orgs@fwc.gov.au

Dear Ms O'Neill

SECTION 189 PRESCRIBED INFORMATION FOR ELECTION

I write regarding the annual election by and from the organisation's National Council for the offices of President, Vice President and Trustees (x 3) to be held at the Union's National Council Meeting on Monday 16 May 2016 at 10.00am at the Novotel, Rooty Hill, New South Wales.

I state, as required by Reg. 138(2) of the *Fair Work (Registered Organisations) Regulations 2009*, that this letter and the attached document is the Prescribed Information as required by s189, Sch 1, of the *Fair Work (Registered Organisations) Act 2009* and confirm that I am an officer of the organisation who is authorised to make this statement.

Yours faithfully



Michael Kaine
National Assistant Secretary
Transport Workers' Union of Australia

PRESCRIBED INFORMATION

TRANSPORT WORKERS' UNION OF AUSTRALIA

COLEGIATE ELECTIONS

National Offices

National President	1
National Vice - President	1
National Trustees	3

DATED: 8- March- 2016

Nomination dates: In accordance with Rule 58.
Voting system: Collegiate.

Contact: Wendy Carr, Head of Legal:

(02) 8114 6500 Phone
(02) 9267 3222 Facsimile

wendy.carr@twu.com.au