

Australian Electoral Commission / AEC

Workplace Relations Act 1996 – Schedule 1

POST ELECTION REPORT

Transport Workers' Union of Australia Queensland Branch Vacancy Election

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: ***E2007/ 266***

RULES

Rules used for the election: *179V: Incorporates alterations of 19/10/2007 - R2007/348.*

Rules difficult to apply/interpret: *None*

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

ROLL OF VOTERS

Total number of voters on the Roll:	8,902
Number of apparent workplace addresses:	360 (4%)
Number of non-current addresses:	23
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 Contested Offices – of 5 March 2008.

Brendan Carroll
Returning Officer
10 March 2008

Transport Workers' Union of Australia Queensland Branch Vacancy Election

DECLARATION OF RESULTS FOR CONTESTED OFFICES

Results of the election E2007/266 for the following offices, conducted in accordance with the provisions of Schedule 189 of the Workplace Relations Act 1996 and the rules of the Union.

I now advise the results of the postal ballot that closed at 12:00 noon on 3 March 2008.

Queensland Branch

Total number of persons on the roll of voters	8,902
Ballot papers issued	8,879
Duplicate ballot papers issued	4
TOTAL BALLOT PAPERS ISSUED	8,883
Ballot papers / envelopes returned for scrutiny	2,448
Less ballot papers / envelopes rejected at preliminary scrutiny	80
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	2,368
Percentage of ballot papers returned to number issued	27%
Ballot papers returned as unclaimed mail	152
Ballot papers not returned	6,283

Branch Vice-President

<u>Candidates</u>	<u>Votes</u>
WHITFIELD, Francis William	1,070
KELLY, Mark	1,282
Total votes	2,352
Formal ballot papers	2,352
Informal ballot papers	16

I declare Mark KELLY elected.

Branch Trustee

<u>Candidates</u>	<u>Votes</u>
WYATT, Bradley Colin	1,019
DICKFOS, Gary	1,341
Total votes	2,360
Formal ballot papers	2,360
Informal ballot papers	8

I declare Gary DICKFOS elected.

Branch Committee of Management Member

<u>Candidates</u>	<u>Votes</u>
SAVAGE, Graeme Henry	1,407
TIMMS, Andrew Francis	943
Total votes	2,350
Formal ballot papers	2,350
Informal ballot papers	18

I declare Graeme Henry SAVAGE elected.

Brendan Carroll
Returning Officer
Australian Electoral Commission
5 March 2008

TRANSPORT WORKERS' UNION OF AUSTRALIA QUEENSLAND BRANCH

ABN: 80 519 643 130

11 Alexandra Place
MURARRIE QLD 4172
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All correspondence to:-
HUGHIE WILLIAMS
BRANCH SECRETARY
PO BOX 452
CANNON HILL
QLD 4170

“TWU WORKING FOR ITS MEMBERS”

25th October 2007



The Registrar
Australian Industrial Registrar
Industrial Registry
P O Box 5713
CENTRAL PLAZA BRISBANE 4001

Dear Sir/Madam

Re: **Request for Conduct of Election in Accordance with
s189 of Schedule 1 of the Workplace Relations Act, 1996**

In accordance with s189, Schedule 1 of the Workplace Relations Act 1996, the Transport Worker's Union of Australia, Queensland Branch requests the assistance of the Registrar in arranging to conduct elections required in accordance with the rules of our organisation.

The need for these elections has arisen as a result of the recent resignation of a number of elected officer holders of our organisation's Branch Committee of Management. The details of these positions and the dates that they became vacant are as follows:

- Branch Vice President, Toni Soranson – vacant effective 26th April, 2007
- Branch Committeeperson, Scott McKeown – vacant effective 29th May, 2007
- Branch Trustee John Roach– vacant effective 20th October, 2007

Copies of these resignations are attached for your information.

Each of these positions were declared at the conclusion of our organisation's last elections on 1st December, 2006. The current terms of these positions commenced on the 20th April, 2007 and expire on the 21st of April 2011.

In accordance with rule 63 (see attached) of the registered rules of the Transport

Workers' Union of Australia – Manner of Filling Casual Vacancies in Branch Positions and Sub Branch Positions, in the event of a casual vacancy occurring when the term of office is:-

63 (3) ...*less than either:*

(a) 12 months; or

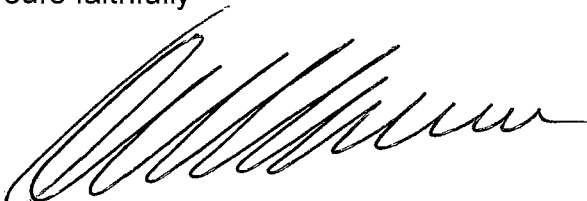
(b) *one quarter of the term of the position*

then, an election for the casual vacancy must be conducted in accordance with rule 62...

A copy of rule 62 is also attached to this correspondence.

To discuss the options available to make these arrangements can you please contact myself on (07) 3890 3066 or Scott Connolly our Executive Officer on 0418 445 329 at your earliest convenience.

Yours faithfully



HUGHIE WILLIAMS

Branch Secretary

S2007-1099

ANNEXURE E - CLEARANCE CERTIFICATES

- (24) A person declared elected to the position of Federal Secretary takes office on 20 April in every fourth year after 1995, and the retiring officer continues to hold office in the meantime.
- (25) A candidate may appoint in writing to the Federal Returning Officer scrutineers.
- (26) A candidate may at any time, by writing to the Federal Returning Officer, change a scrutineer previously appointed.
- (27) A scrutineer:
- (a) must represent the interests of the candidate making the appointment;
 - (b) is entitled to represent the candidate at all stages of the ballot;
 - (c) must attend at any stage of the ballot as requested by the candidate;
 - (d) must report to the Federal Returning Officer any irregularity in the conduct of the ballot; and
 - (e) is not allowed to represent 2 or more candidates who are standing for the same position.
- (28) The Federal Returning Officer and the Branch Returning Officers must give every opportunity to scrutineers to examine the count, and to attend at every stage of the ballot to represent the interests of the candidates.
- (29) Where there is an inquiry in any court into any election held in accordance with this rule, the intention of the Rules is that any candidate in the challenged election who held office prior to the election will continue to hold office until the inquiry is completed.

60. Branch Elections

- (1) Each Branch Committee of Management must appoint a Branch Returning Officer in accordance with rule 67 by 1 November in every fourth year after 1994.
- (2) The Branch Returning Officer must call for nominations for elections to the positions of:
- (a) Branch President;
 - (b) Branch Vice-President;
 - (c) Branch Secretary;
 - (d) Branch Assistant Secretary (where required);
 - (e) 2 Branch Trustees;
 - (f) persons who are members of the Branch Committee of Management in accordance with paragraph 30(2)(f);
 - (g) Federal Councillor or Councillors (if any) to which a Branch is entitled in accordance with Rule 24(1);
 - (h) Branch Organizers in each Branch that has determined that an election is required to fill these positions; and

ANNEXURE E - CLEARANCE CERTIFICATES

- (i) Branch Industrial Research Officer in each Branch that has determined that an election is required to fill this position;
- by an advertisement in a daily newspaper circulating in the area of the Branch.
- (3a) The roll of voters is to close at 5pm on the third Tuesday in October in every fourth year after 2002.
- (3b) Nominations must open at noon on the second Tuesday in November in every fourth year after 1994.
- (4) Nominations must close at noon on the last Tuesday in November in every fourth year after 1994.
- (5) Each nomination must be in writing and signed by the candidate and cannot be withdrawn once ballot papers for the election have been printed.
- (5A) A group of eligible members may nominate as members of a "Team Nomination" which must have a name.
- (5B) The name of a Team Nomination must not be the same as or similar to the name of another Team Nomination or the name of any member of another Team Nomination or be deceptive in any other way.
- (5C) In determining which Team Nomination may use a name (which is not a candidate's name) regard is to be had to all relevant factors including the history of use of the name in question.
- (5D) If, in the view of the Branch Returning Officer, the name of any Team Nomination is the same as or similar to that of any other Team Nomination, or is deceptive in any other way, the Branch Returning Officer must:
- (a) approach the candidate for Branch Secretary of the offending Team Nomination, and request him/her to make such changes to the Team Nomination's name as the Branch Returning Officer thinks necessary; and
 - (b) if such changes are not made, decide whether to accept the Team Nomination.
- (5E) A Team Nomination must nominate an eligible person (or the required number of people) for each position for which nominations have been called whereupon each person will be considered to have nominated for each position concerned.
- (5F) A Team Nomination must be in writing and signed by each candidate.
- (5G) No member of a Team Nomination may nominate in the election other than for that Team Nomination.
- (5H) The withdrawal from the ballot of a member of a Team Nomination after the close of nominations does not invalidate that Team Nomination.
- (5I) In the event of a withdrawal in accordance with sub-rule (5H), the person who has withdrawn can be replaced by another eligible person who has nominated as a candidate for any position, who is not a member of any other Team Nomination, and who consents to becoming a member of the Team Nomination. In such a case the Returning Officer must be notified of the change prior to the printing of ballot papers.

ANNEXURE E - CLEARANCE CERTIFICATES

- (5J) An individual member of a Team Nomination cannot withdraw from the Team Nomination once ballot papers for the election have been printed.
- (5K) The discovery of a candidate's ineligibility will not affect the validity of the election to office of any other member of a Team Nomination of which that candidate is a member.
- (6) If the Branch Returning Officer finds a nomination is defective before or after the close of nominations (whether a nomination of an individual candidate, or a nomination of a member of a Team Nomination), the Branch Returning Officer must:
- (a) in the case of an individual candidate, notify that candidate of the defect and, if it is practicable to do so, give the candidate the opportunity of remedying the defect within 7 days; or
 - (b) in the case of a Team Nomination, notify the candidate for Branch Secretary of that Team Nomination of the defect and, if it is practicable to do so, give the Team Nomination the opportunity of remedying the defect within 7 days.
- (7) If a candidate fails to remedy a defect in accordance with sub-rule (6), the Branch Returning Officer must reject the nomination.
- (8) (a) If no more nominations for election to a position referred to in sub-rule (2) are received than the number of such positions available, the Branch Returning Officer must immediately declare the person or persons nominated elected to the position.
- (b) If more nominations for election to a position referred to in sub-rule (2) are received than the number of such positions available, a ballot must be conducted by the Branch Returning Officer.
- (9) (a) The election must be by secret postal ballot.
- (b) The election must be under the "first past the post" voting system.
- (10) (a) The position of all candidates' names and Team Nomination names on the ballot paper must be determined by drawing lots.
- (b) The name of the incumbent person (if any) must be indicated by an asterisk.
- (10A) If there is at least one Team Nomination, the ballot papers must have two parts divided by a horizontal line.
- (10B) The ballot papers must contain a clear instruction, in a prominent position, to the effect that a member voting in the election may vote in one of two ways:
- (a) by completing the first part of the ballot paper (voting "above the line"), by voting for each member of a Team Nomination by marking a team box with a cross ("X") (in which case only one team box should be marked); or
 - (b) by completing the second part of the ballot paper (voting "below the line"), by voting for individual candidates (including members of a Team Nomination if so desired) by marking the box next to the name of the candidate which the member voting wishes to vote for in the election with a cross ("X"), in respect of each of the positions for which an election is being conducted.

ANNEXURE E - CLEARANCE CERTIFICATES

If there are not two parts to the ballot paper then the instructions (as appropriately modified) referred to in paragraph (b) will appear on the ballot paper.

(10C) The Ballot papers must also contain:

- (a) the date and time of closing of the ballot; and
- (b) the Branch Returning Officer's initials.

(10D) The ballot papers must contain on the first part:

- (a) the name of each Team Nomination; and
- (b) boxes beside the names of the Team Nominations;

but otherwise be unmarked in that part.

(11) The ballot papers must contain on the second part (or on the ballot paper itself in the event there is no Team Nomination):

- (a) the name of the position being elected;
- (b) the name of each candidate, as each name appears on the nomination form, for election to the position;
- (ba) the name of the Team Nomination of each candidate (where applicable);
- (c) the occupation and place of employment of each candidate; and
- (d) boxes beside the names of the candidates;

but otherwise be unmarked.

(11A) A vote for a Team Nomination counts as a vote for each member of the Team Nomination remaining in the ballot.

(11B) (a) Where a member voting in the ballot completes the ballot paper by voting both above and below the line, any inconsistency which might arise will be resolved in favor of the expression of the member's preference which constitutes a valid vote.

- (b) If the expression of the member's preference in both parts of the ballot paper constitutes a valid vote the inconsistency will be resolved in favor of the expression of the member's preference indicated below the line.

(12) Each Branch Returning Officer must compile a list of all Financial Members enrolled in that Branch in accordance with subrule 60(3a).

(13) The Branch Returning Officer must prepare sufficient ballot papers, together with pre-paid envelopes addressed to the post office box address referred to in sub-rule (14).

(14) The Union must provide the Branch Returning Officer with a post office box address at the largest city in the area of the Branch in which the election is being held for the return of the ballot papers.

ANNEXURE E - CLEARANCE CERTIFICATES

- (15) The Branch Returning Officer must obtain the keys to the post office box referred to in sub-rule (14), and the keys must remain in the sole possession of the Branch Returning Officer at all times during the election.
- (16) The poll must open at noon on 11 February in every fourth year after 1995, except when this date falls on a Saturday, Sunday or Public Holiday, in which case the poll must open at noon on the next working day.
- (17) The Branch Returning Officer must post the relevant material referred to in sub-rule (13) by pre-paid post:
 - (a) in the presence of any scrutineer who wishes to be present; and
 - (b) as soon as practicable after the opening of the poll in accordance with sub-rule (16);to each voter on the list compiled in accordance with sub-rule (12).
- (18) The poll must close at noon on 3 March in every fourth year after 1995, except when this date falls on a Saturday, Sunday or Public Holiday, in which case the poll must close at noon on the next working day.
- (19) Ballot papers received after the time the poll closes referred to in sub-rule (18) must not be included in the ballot.
- (20) The Branch Returning Officer must give each scrutineer reasonable notice of the opening of the post office box, and any scrutineer may attend.
- (21) At the close of the poll, the Branch Returning Officer in the presence of the scrutineers of all candidates (if available) must count all ballot papers as soon as is practicable.
- (22) A scrutineer has the right to object to the inclusion of any ballot paper in the ballot, but the decision of the Branch Returning Officer on an objection is, subject to the provisions of the Workplace Relations Act, final.
- (23) The Branch Returning Officer must, within 21 days of the close of the poll, declare the results of the elections.
- (24) Persons declared elected to the positions referred to in sub-rule (2) take office on 20 April in every fourth year after 1995, and the retiring persons continue to hold office in the meantime.
- (25) Each Branch Secretary must, immediately upon the declaration of the elections for Federal Councillors referred to in paragraph (2)(g), inform the Federal Secretary of the name and address of each Federal Councillor elected in that Branch.
- (26) A candidate may appoint in writing to the Branch Returning Officer scrutineers.
- (27) A candidate may at any time, by writing to the Branch Returning Officer, change a scrutineer previously appointed.
- (28) A scrutineer:
 - (a) must represent the interests of the candidate making the appointment;
 - (b) is entitled to represent the candidate at all stages of the ballot;

ANNEXURE E - CLEARANCE CERTIFICATES

- (c) must attend at any stage of the ballot as requested by the candidate;
 - (d) must report to the Branch Returning Officer any irregularity in the conduct of the ballot; and
 - (e) is not allowed to represent 2 or more candidates who are standing for the same position.
- (29) The Branch Returning Officer must give every opportunity to scrutineers to examine the count, and to attend at every stage of the ballot to represent the interests of the candidates.
- (30) The provisions of this rule, in so far as they are applicable, will apply to the election of Sub-Branch positions within the New South Wales Branch.
- (31) Where there is an inquiry in any court into any election held in accordance with this rule, the intention of the Rules is that any candidate in the challenged election who held office prior to the election will continue to hold office until the inquiry is completed.

61. Manner of Filling Casual Vacancies in the Positions of Federal President, Federal Vice-President and Federal Trustees

A casual vacancy in the position of:

- (a) the Federal President,
- (b) the Federal Vice-President, or
- (c) a Federal Trustee,

must be filled by an appointment conducted in accordance with rule 58, which may occur at an ordinary or special meeting of Federal Council.

62. Manner of Filling Casual Vacancies in the Position of Federal Secretary

- (1) A casual vacancy in the position of:
- (a) the Federal Secretary
- must be filled in accordance with this rule.
- (2) If the expired part of the term of the position is more than both:
- (a) 12 months, and
 - (b) one-quarter of the term of the position,
- then, subject to sub-rule (4), an appointment for the casual vacancy must be conducted in accordance with rule 58, as if it were an election in accordance with sub-rule 58(2) which may occur at an ordinary or special meeting of Federal Council.
- (3) If the expired part of the term of the position is less than either:
- (a) 12 months, or
 - (b) one-quarter of the term of the position,

ANNEXURE E - CLEARANCE CERTIFICATES

then, an election for the casual vacancy must be conducted in accordance with rule 61, except that:

- (c) the Federal Committee of Management must set alternative dates to those described in sub-rules 59 (1), (3), (4), (16), (18), and (24) and the roll of voters is to close at 5pm, 7 days before the date set for the opening of nominations; and
 - (d) the election must be completed within 4 months of the casual vacancy occurring.
- (4) A person may only fill the casual vacancy described in sub-rule (1) if that person meets the eligibility requirements for nominating for election to the position of Federal Secretary in accordance with rule 57.
- (5) A person who fills a casual vacancy in accordance with sub-rule (2) or (3) holds the position for the balance of the original 4 year term of the position.

63. Manner of Filling Casual Vacancies in Branch Positions and Sub Branch Positions

- (1) A casual vacancy in the position of:
- (a) Branch President;
 - (b) Branch Vice-President;
 - (c) Branch Secretary;
 - (d) Branch Assistant Secretary (where required);
 - (e) 2 Branch Trustees;
 - (f) persons who are members of the Branch Committee of Management in accordance with paragraph 30(2)(f);
 - (g) Federal Councillor or Councillors (if any) to which a Branch is entitled in accordance with rule 24;
 - (h) Branch Organizers in each Branch that has determined that an election is required to fill these positions; and
 - (i) Branch Industrial Research Officer in each Branch that has determined that an election is required to fill this position;

must be filled in accordance with this rule.

- (2) If the expired part of the term of the position is greater than both:
- (a) 12 months, and
 - (b) one-quarter of the term of the position,

then, an appointment for the casual vacancy must be made by the Branch Committee of Management.

- (3) If the expired part of the term of the position is less than either:

ANNEXURE E - CLEARANCE CERTIFICATES

- (a) 12 months, or
- (b) one-quarter of the term of the position,

then, an election for the casual vacancy must be conducted in accordance with rule 62, except that:

- (ba) a Team Nomination is not allowed;
 - (c) the Branch Committee of Management must set alternative dates to those described in sub-rules 60 (1), (3), (4), (16), (18) and (24) and the roll of voters is to close at 5pm, 7 days before the date set for the opening of nominations; and
 - (d) the election must be completed within 4 months of the casual vacancy occurring.
- (4) A person may only fill the casual vacancy described in sub-rule (1) if that person meets the eligibility requirements for nominating for election to the positions described in sub-rule (1) in accordance with rule 57.
- (5) A person who fills a casual vacancy in accordance with sub-rules (2) and (3) holds the position for the balance of the original 4 year term of the position.
- (6) Where a casual vacancy occurs in an elected sub-branch position, the vacancy must be filled in accordance with the provisions of this sub-rules 63(2), (3), (4) & (5) as if each reference in those sub-rules to "Branch" was "Sub Branch" and each reference to "Committee of Management" was "Executive Committee". This sub-rule does not apply in relation to Gas Industry Sub Branches.
- (7) Rule 24(1)(h) will become operational as from the first scheduled election after this rule is Certified by the Industrial Registrar.

64. Federal Referendums

- (1) Federal Council may submit a matter affecting all or a section of the Members to a referendum of the Financial Members affected.
- (2) Federal Council must submit a matter affecting all or a section of the Members to a referendum of Financial Members affected if:
 - (a) at least 3 Branches (acting through the Branch Committee of Management or a general meeting of the Branch) that together represent 25% of the Effective Membership request; or
 - (b) a petition signed by at least 1,000 Financial Members is presented;in accordance with sub-rule (3).
- (3) A request made or petition presented in accordance with sub-rule (2) must:
 - (a) state the question that is to be put to referendum; and
 - (b) be sent to the Federal Secretary.
- (4) The referendum must be conducted as soon as practicable after it is called in accordance with sub-rule (1) or (2).

Workplace Relations Act 1996
s.189 RAO Schedule - arrangement for conduct of an election

Transport Workers' Union of Australia
(E2007/266)

T. NASSIOS
DEPUTY INDUSTRIAL REGISTRAR

MELBOURNE, 31 OCTOBER 2007

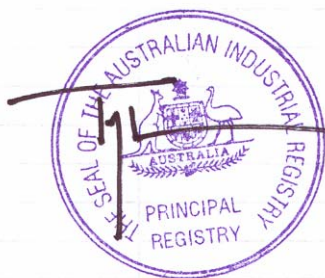
Arrangement for conduct of election.

DECISION

[1] On 29 October 2007 the Queensland Branch of the Transport Workers' Union of Australia lodged in the Industrial Registry the prescribed information in relation to an election to fill casual vacancies, for the remainder of the terms of offices, in the following offices:

Branch Vice President (1)
Branch Committeeperson (1)
Branch Trustee (1)

[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 Schedule 1 of the *Workplace Relations Act 1996*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



Transport Workers' Union of Australia Queensland Branch Vacancy Election

DECLARATION OF RESULTS FOR CONTESTED OFFICES

Results of the election E2007/266 for the following offices, conducted in accordance with the provisions of Schedule 189 of the Workplace Relations Act 1996 and the rules of the Union.

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