



4 December 2015

Mr Peter Biagini  
Branch Secretary  
Transport Workers' Union of Australia-Queensland Branch  
info@twuqld.asn.au

Dear Mr Biagini,

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

The Australian Electoral Commission has provided the Commission a declaration of results for the election [E2015/136]. 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 Transport Workers' Union of Australia-Queensland 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

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].<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>
...							

**Transport Workers' Union of Australia  
TWU Vacancy Election E2015/136**

**Declaration of Results for Contested Offices**

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.

**Branch Committee of Management**

Total number of names on the roll of voters	8549
Ballot papers issued	8539
Replacement ballot papers issued	1
<b>Total Ballot Papers Issued</b>	<b>8540</b>
Ballot papers / envelopes returned for scrutiny	1704
Less ballot papers / envelopes rejected at preliminary scrutiny	44
Adjusting balance	0
<b>Total Ballot Papers Admitted to Scrutiny</b>	<b>1660</b>
Percentage of ballot papers returned to number issued	19
Ballot papers returned as unclaimed mail	163
Ballot papers not returned	6673

**Branch Assistant Secretary**

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
EHLERT, Mick	334	334
CARTER, Adam	1313	1313
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	<b>1647</b>	<b>1647</b>
Formal ballot papers	<b>1647</b>	<b>1647</b>
Informal ballot papers	13	13

I declare Adam Carter elected.

Trisha Bonamy  
Returning Officer  
Australian Electoral Commission

29 July 2015



Fair Work (Registered Organisations) Act 2009

## POST ELECTION REPORT

Transport Workers' Union of Australia

### Vacancy Election E2015/136

#### ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: E2015/136

#### RULES

Rules used for the election: 179V : incorporates alterations of 28 July 2014 – [R2014/160]

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

#### ROLL OF VOTERS

Total number of voters on the Roll 8549

Number of apparent workplace addresses 98

Number of non-current addresses 10

Other matters pertaining to the roll

#### IRREGULARITIES

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

The AEC received an allegation related to a possible breach of section 190 of the *Fair Work (Registered Organisations) Act 2009*. This relates to the use of an organisation's resources to favour one election candidate over another. The allegation related to the use of resources, phone and email lists that were available to another candidate, but not provided to this candidate. It also outlined concerns over some actions at meetings and the use of notice boards to promote the other candidate, together with concerns about the roll of voters.

The candidate was advised that whilst the AEC does not have investigative powers under the legislation, elected representatives are still able to conduct normal business during the course of the election. This may involve attending meetings at a workplace.



The AEC confirmed that the TWU had submitted a certified list of members for inclusion on the roll of voters.

The candidate was also advised that they the option of raising these allegations with the Fair Work Commission.

Other irregularities identified, and action taken: Original list of voters supplied by TWU contained at least 58 names which were duplicated 2 or 3 times and at least 104 voter names with no postal or workplace addresses. TWU branch secretary was contacted and advised to send a correct list of voters without duplicate names and provide workplace addresses for members whom they did not have current residential or postal addresses for.

### **ATTACHMENTS**

Declaration of Results for Contested Offices.



Trisha Bonamy  
Returning Officer  
29/7/2015



## DECISION

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

**Transport Workers' Union of Australia**  
(E2015/136)

MR ENRIGHT

MELBOURNE, 21 APRIL 2015

*Arrangement for conduct of election.*

[1] On 9 April 2015 the Queensland Branch of the Transport Workers' Union of Australia lodged with the Fair Work Commission the prescribed information in relation to an election to fill a casual vacancy for the remainder of the term of office in the following office:

Branch Assistant Secretary

[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

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## Transport Workers' Union of Australia Queensland Branch



Address: 11 Alexandra Place, Murarrie QLD 4172  
Phone: 3890 3066 - 1800 804 533 (free call outside metro)  
Fax: 3890 1105 Email: [info@twuqld.asn.au](mailto:info@twuqld.asn.au)

ABN: 80 519 643 130

9 April 2015

The General Manager  
Fair Work Commission  
GPO Box 5713  
BRISBANE QLD 4001

AND BY FAX: 07 3000 0388

Dear General Manager,

**RE: ELECTION FOR BRANCH ASSISTANT SECRETARY - TRANSPORT WORKERS'  
UNION OF AUSTRALIA - QUEENSLAND BRANCH**

We write to advise of a casual vacancy for the position of Branch Assistant Secretary which has arisen following the recent resignation of Scott Connolly.

Pursuant to regulation 138 of the Fair Work (Registered Organisations) Regulations 2009 we provide the following prescribed information:

- a. The name of the position for which an election is required is Branch Assistant Secretary;
- b. The reason for the election is that a casual vacancy has occurred;
- c. The electorate comprises of members of the Queensland Branch of the Transport Workers' Union of Australia;
- d. The date and time of the beginning and end of the period in which nominations of candidates will be called is as follows:
  - Nominations must open at noon on the second Tuesday of May 2015.
  - Nominations must close at noon on the first Tuesday of June 2015.
- e. The day provided for in the rules of the organisation as the day on which the roll of voters is to be closed is 5.00pm 7 days before the date set for the opening of nominations;
- f. The kind of voting system to be used in the conduct of the election is a "first past the post" voting system (direct voting system);

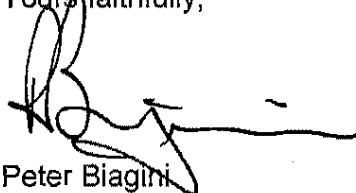
If you are satisfied that an election is required to be held under our rules we request that you make arrangements for the conduct of an election by the AEC.

If you require any further information please contact our legal officer, Mr Adam Carter on 38906208 or [adam.carter@twuqld.asn.au](mailto:adam.carter@twuqld.asn.au).



We look forward to hearing from you.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Peter Biagini', written over a horizontal line.

Peter Biagini  
Branch Secretary

I, Peter Biagini, being an authorised officer of the Queensland Branch of the Transport Workers' Union of Australia state that the above information is lodged under subsection 189(1) of the Fair Work (Registered Organisations Act 2009).

A handwritten signature in black ink, appearing to be 'Peter Biagini', written over a horizontal line.

Peter Biagini