

# **Australian Electoral Commission / AEC**

Workplace Relations Act 1996 – Schedule 1B

## **RETURNING OFFICER - POST ELECTION REPORT**

**Client:** Western Australian Shire Councils, Municipal Road Boards, Health Boards  
Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union

**Contact details:** Andrew Johnson  
Union Secretary  
PO Box 183  
Leederville WA 6007

**EMAIL:** lgrceu@tpg.com.au  
**TEL:** (08)9328 5854

**AIR contact officer:** Larry Powell

**EMAIL:** Industrial.elections@air.gov.au  
**TEL:** (03) 9654 6672

### **ELECTIONS COVERED IN THIS REPORT**

**Election Decision No/s:** E2005/55  
**Election:** Scheduled Election – Western Australian Division  
**Returning Officer:** Van Panegyres

### **RULES**

**Rules used for elections Rule ID:** [297V:Incorporates alterations of 21/5/04][R2004/290]

**Rule/s re eligibility to vote:** WA Division Rule (24)(9)(a)

**Rules difficult to apply/interpret:** No

**Model Rule reference (if any):**

**Legal precedents considered:**

**Action taken under section 193 of RAO  
Schedule:**

### **ROLL OF VOTERS**

As a Ballot was not required, therefore the Roll of Voters was not requested

### **ALLEGATIONS OF IRREGULARITIES RECEIVED**

There were no written complaints or allegations of irregularities

### **ATTACHMENTS**

- A)** Declaration of results for uncontested offices Part 1
- B)** Declaration of results for uncontested offices Part 2

E.M. Panegyres  
Returning Officer

5 May 2006

**Western Australian Shire Councils, Municipal Road Boards,  
Health Boards, Parks, Cemeteries And Racecourse, Public  
Authorities, Water Boards Union  
Scheduled Election Part 2**

**DECLARATION OF RESULTS FOR UNCONTESTED OFFICES**

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2005/55

**Union Council**

**Union President**

Candidate

JAMES, David John

**Union Vice-Presidents (4)**

Candidate

STEPHENS, Dean

No other nominations were received

**Union Treasurer**

Candidate

BARRON, Stuart

**Union Trustees (3)**

No nomination was received

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

E.M. Panegyres  
Returning Officer

2 May 2006

**Western Australian Shire Councils, Municipal Road Boards,  
Health Boards, Parks, Cemeteries And Racecourse, Public  
Authorities, Water Boards Union  
Western Australian Division  
WA Elections 2005**

**DECLARATION OF RESULTS FOR UNCONTESTED OFFICES**

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2005/55

**Union Council**

**Union Secretary**

Candidate

JOHNSON, Andrew Gerard

**Union Assistant Secretary**

Candidate

BALLANTYNE, Andrea Ginette

**Union Council Representative (2)**

Candidates

BARRON, Stuart  
STEPHENS, Dean

**Western Australian Division**

**Division President**

Candidate

JOHNSON, Andrew Gerard

**Division Vice-President**

Candidate

BARRON, Stuart

**Division Treasurer**

Candidate

BALLANTYNE, Andrea Ginette

**Division Secretary /Union Council Representative**

Candidate

JAMES, David John

**Division Trustee (3)**

Candidates

GILCHRIST, Cedric

WEIGHTMAN, Susan Patricia

No further nomination was received

**Division Executive Committee Member (6)**

Candidates

BRAND, Raymond

HICKS, Carolanne Maree

HIGO, Charles

HUTCHINGS, Angus Henry George

SLATER, Mark Ashley

STEPHENS, Dean

**Division Conference Delegate from the Coastal Districts Zone**

No nomination was received

**Division Conference Delegate from the Central Districts Zone**

No nomination was received

**Division Conference Delegate from the Goldfields Zone**

Candidate

CULLEN, Ronald James

**Division Conference Delegate from the Kimberley-Territories Zone**

No nomination was received

**Division Conference Delegate from the Metropolitan Zone**

Candidate

SIGGLEKOW, Graham Henry

**Division Conference Delegate from the Murchison Zone**

Candidate

MAVER, Dale James

**Division Conference Delegate from the Pilbara Zone**

Candidate

HIRINI, Duane Enoka

**Division Conference Delegate from the South Western Zone**

Candidate

DEARN, Cliff

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

E.M. Panegyres  
Returning Officer  
22 March 2006



**Australian Government**  
**Australian Industrial Registry**

Level 35, Nauru House  
80 Collins Street, Melbourne, VIC 3000  
GPO Box 1994, Melbourne, VIC 3001  
Telephone: (03) 8661 7993  
Fax: (03) 9654 6672

Mr A. Johnson  
41 Newcross Road  
KINGSLEY WA 6026

Dear Mr Johnson,

**Re: Western Australian Shire Councils, Municipal Road Boards, Health Boards,  
Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union  
Election notification - E 2005/55**

Please find attached correspondence to Mr. David Smith in relation to the above matter.

Should you wish to discuss this letter, I may be contacted on (03) 8661 7993 or by email at [larry.powell@air.gov.au](mailto:larry.powell@air.gov.au).

Yours sincerely,

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

Larry Powell  
Statutory Services Branch

22 December 2005



**Australian Government**  
**Australian Industrial Registry**

Level 35, Nauru House  
80 Collins Street, Melbourne, VIC 3000  
GPO Box 1994, Melbourne, VIC 3001  
Telephone: (03) 8661 7993  
Fax: (03) 9654 6672

Mr D. Smith  
Barrister and Solicitor  
5 Parkfield Street  
BUNBURY WA 6230

Dear Mr Smith,

**Re: Conduct of election - Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union  
- E 2005/55**

Please find enclosed the Deputy Industrial Registrar's decision of 22 December 2005 making arrangements for the conduct of an election for the abovementioned organisation.

Any enquiries in relation to the conduct of the subject election should be directed in the first instance to the Australian Electoral Commission, Western Australia, telephone: (08) 6363 8011.

In relation to your query as to whether a person employed as a Union Official, apart from the Secretary, is eligible to be elected to Executive positions such as President, my understanding is that there is no statutory bar to an employee of an organisation also holding an office in that organisation. However, you are probably aware that the Courts have considered previously rules of organisations and determined that a person may not hold more than one office if those offices could be said to be incompatible.

I remind you that our office is always happy to examine draft rule alterations and comment on those rules. You may wish to utilize this service if you have any reservations about the certifiability of any proposed rules the organisation may be contemplating adopting.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Larry Powell'.

Larry Powell  
Statutory Services Branch

22 December 2005

cc Mr A. Johnson

PR960586

*Workplace Relations Act 1996*  
s.189 of Schedule 1B - arrangement for conduct of an election

**Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks,  
Cemeteries And Racecourse, Public Authorities, Water Boards Union**  
(E2005/55)

T.NASSIOS  
DEPUTY INDUSTRIAL REGISTRAR

MELBOURNE, 22 DECEMBER 2005

*Arrangement for conduct of election.*

**DECISION**

[1] On 2 and 16 March, 12 July and 5 December 2005, the Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union lodged in the Industrial Registry the prescribed information in relation to elections for the following offices:

Union President  
Union Vice-Presidents (4)  
Union Treasurer  
Union Secretary  
Union Assistant Secretary  
Union Trustees (3)  
Union Council Representatives (3)

Western Australian Division

Division President  
Division Vice-President  
Division Treasurer  
Division Secretary  
Division Trustees (3)  
Division Executive Committee Members (6)  
Division Conference Delegate from each of the following zones:

Metropolitan  
Central Districts  
South Western  
Coastal Districts  
Goldfields  
Murchison  
Pilbara  
Kimberley-Territories

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Subsection 189(3) of Schedule 1B provides that:

“(3) If:

- (a) ... ..; and
- (b) a Registrar is satisfied that an election is required to be held under the rules of the organisation or branch; and
- (c) if the election is not an election for an office – the organisation has made a request under section 187;

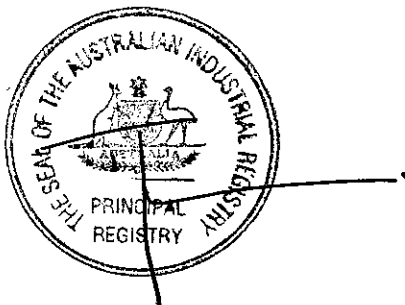
a Registrar must arrange for the conduct of the election by the AEC.” (my emphasis)

In relation to the positions of Union Councillors (3), rule 13(2)(a) of the rules of the organisation provides that the Union Council shall consist of a number of representatives of the Division of the organisation. The number of such representatives is determined by the number of financial members of each Division as at 31 December in the year preceding the quadrennial elections of such representatives.

Rule 14(2)(a) provides that the Division Secretary shall be a representative of the Division on the Union Council. Rule 14(2)(b) provides, inter alia, that the remaining representatives (my emphasis) of a Division to Union Council shall be elected by the Division. Information provided by the organisation indicates that the Union Council is entitled to a total of three Union Councillors. Having regard to rules 14(2)(a) and (b) it would appear that the election notification should have requested the election of two Union Councillors and not the three as requested.

Accordingly, I am satisfied that an election is only required for two Union Councillors.

[2] I am satisfied, however, that elections for the remaining offices are required to be held under the rules of the organisation and, under subsection 189(3) of Schedule 1B of the Workplace Relations Act 1996, I am making arrangements for the conduct of the elections by the Australian Electoral Commission.





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Yours sincerely,

A handwritten signature in black ink, appearing to read 'L Powell', with a long, sweeping underline that extends down to the name below.

Larry Powell  
Statutory Services Branch

22 December 2005

cc Mr A. Johnson

*Workplace Relations Act 1996*  
s.189 of Schedule 1B - arrangement for conduct of an election

**Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks,  
Cemeteries And Racecourse, Public Authorities, Water Boards Union**  
(E2005/55)

T.NASSIOS  
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Union Treasurer  
Union Secretary  
Union Assistant Secretary  
Union Trustees (3)  
Union Council Representatives (3)

Western Australian Division

Division President  
Division Vice-President  
Division Treasurer  
Division Secretary  
Division Trustees (3)  
Division Executive Committee Members (6)  
Division Conference Delegate from each of the following zones:

Metropolitan  
Central Districts  
South Western  
Coastal Districts  
Goldfields  
Murchison  
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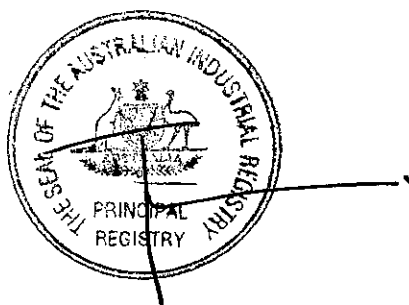
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In relation to the positions of Union Councillors (3), rule 13(2)(a) of the rules of the organisation provides that the Union Council shall consist of a number of representatives of the Division of the organisation. The number of such representatives is determined by the number of financial members of each Division as at 31 December in the year preceding the quadrennial elections of such representatives.

Rule 14(2)(a) provides that the Division Secretary shall be a representative of the Division on the Union Council. Rule 14(2)(b) provides, inter alia, that the remaining representatives (my emphasis) of a Division to Union Council shall be elected by the Division. Information provided by the organisation indicates that the Union Council is entitled to a total of three Union Councillors. Having regard to rules 14(2)(a) and (b) it would appear that the election notification should have requested the election of two Union Councillors and not the three as requested.

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[2] I am satisfied, however, that elections for the remaining offices are required to be held under the rules of the organisation and, under subsection 189(3) of Schedule 1B of the Workplace Relations Act 1996, I am making arrangements for the conduct of the elections by the Australian Electoral Commission.



*Workplace Relations Act 1996*  
s.189 of Schedule 1B - arrangement for conduct of an election

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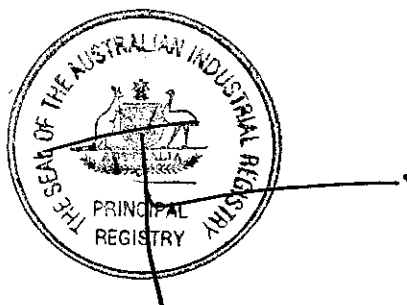
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**DAVID SMITH**  
**Barrister & Solicitor**  
**5 Parkfield Street, Bunbury WA 6230**

Postal Address:  
PO Box 393  
Bunbury WA 6231

Tel: 08 9721 8299  
9721 8303  
Fax: 08 9721 8887

---

Mr. Larry Powell  
Australian Industrial Registry  
GPO Box 1994S  
Melbourne Victoria 3001  
Fax: 0396546672

5<sup>th</sup> December, 2005

**re: Arrangements for the conduct of an election in accordance with Section 189 of Schedule B of the Workplace Relations Act 1996 – Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries, Racecourse, Public Authorities, Water Boards Union – E2005/55.**

Dear Sir,

I apologise for my inordinate delay in this matter for which there is no excuse on my part.

I assure you that the delay has been mine and not the Union or its Executive or staff.

I now enclose a further request which I believe accords with your requirements.

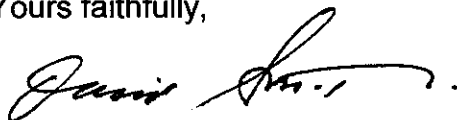
I am faxing a copy to you in the hope that if any further changes are required you can let me know by fax, so I can have them attended to when I am in Perth this week.

I will also be in Melbourne from the 14<sup>th</sup> to the 17<sup>th</sup> December, 2005, and if there was any point, I could call in to discuss how best to progress this matter from here.

With best wishes, and my sincere apologies, I am,

One other matter I have been asked to advise on, is whether a person employed as a Union Official, apart from the Secretary, is eligible to be elected to Executive positions such as President. The constitution appears to allow it, and as far as I am aware, no other preclusion exists. Is that correct?

Yours faithfully,



David Smith

NOTICE, REQUEST AND PRESCRIBED INFORMATION UNDER  
REGULATIONS 136-138

I, ANDREW GERARD JOHNSON formerly of 4 Peppermint Grove, Greenwood, in the State of Western Australia, but now of 41 Newcross Road, Kingsley, in the said State, hereby make the following statement:-

1. I have been, since it was first registered as a registered organisation with the A.I.R.C. a Vice-President of the Western Australian Shire Councils, Municipal Roads Boards, Health Boards, Parks and Cemeteries, Race Courses, Public Authorities, Water Boards Union of 112 Charles Street, West Perth in the said State.
2. I am also the Acting Secretary of the said Union due to the ill health of the former Secretary Adrian Bennett.
3. I have had to assume this role because the said Adrian Bennett is no longer capable of doing so.
4. Attached hereto is a copy of an Order made on the 9<sup>th</sup> February, 2005 relating to the State Union which shares some offices and staff with the above Union, and of which Adrian Bennett was also Secretary.
5. Elections for the offices of the State Union have been held by the WA Electoral Commission.
6. I have been authorised by a meeting of the interim executive of the Union referred to in clause 1 hereof, to lodge the following Prescribed Information with a view to arranging for elections for all positions in the above Federal Union to be conducted by the Australian Electoral Commission under the auspices of the Australian Industrial Relations Commission.
7. I confirm that to the best of my knowledge and advice the following information is correct and complies with Section 189(i) of the RAO Schedule and Regulations 136 to 139.

Dated the <sup>18<sup>th</sup></sup> day of November, 2005.

  
.....  
ANDREW GERARD JOHNSON



SCHEDULE  
OFFICES AND POSITIONS

National Union Executive

1. Union President
2. Union Vice-Presidents (4)
3. Union Treasurer
4. Union Secretary
5. Union Assistant Secretary (1)
6. Union Trustees (3)
7. Union Council Representatives (3)

WA Division Conference

1. Division President
2. Division Vice-President
3. Division Treasurer
4. Division Secretary
5. Division Executive Committee Members (6)
6. Division Conference Delegates from each of the following zones:-

Metropolitan

Central Districts

South Western

Coastal Districts

Goldfields

Murchison

Pilbara

Kimberley – Territories

7. Three Division Trustees

Returning Officer

8. One for each of the above executives and Conferences.

Please Note

There is in my view no reason why a person may not nominate for and be elected to similar positions in each of the Division Executive, Division Council, National Executive and National Council but not to more than one position in each.

A. Reasons for Election

To remove any doubt as to who the legitimate holders of the above positions are at present, and to ensure that all positions are elected by a democratic and accountable process, and also to ensure that the Unions status is regularised in conformity with the requirements of it being a registered organisation with the AIRC.

B. Who is eligible to vote in the elections.

The WA Division and the National Division have the same membership.

It is proposed that all positions be elected by a direct election of all financial members of the National Union and WA Division.

a. a. Graham  
16th November 2001

C. Nominations to open.

Nominations for all positions should be opened at the earliest possible dates approved by the AEC and the Australian Industrial Registry.

D. Nominations to Close.

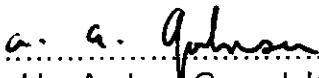
One month after they open.

E. Cut off date for roll.

Ten (10) days from when nominations open.

F. Other Requirements.

Any other conditions or elections or requirements that may be requested by the Australian Industrial Registry for the conduct of the elections and to ensure that the Union fully complies with all the legislative and registration requirements of a registered organisation.

  
.....  
Signed by Andrew Gerard Johnson  
18 on 11 /2005



**Australian Government**  
**Australian Industrial Registry**

Level 35  
80 Collins Street, Melbourne, VIC 3000  
GPO Box 1994S, Melbourne, VIC 3001  
Telephone: (03) 8661 7993  
Fax: (03) 9654 6672

Mr A. Johnson  
41 Newcross Road  
KINGSLEY WA 6026

Dear Mr Johnson,

**Re: Arrangement for the conduct of an election in accordance with section 189 of Schedule 1B of the Workplace Relations Act 1996 - Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union - E2005/55**

I refer to our telephone conversation of 15 September 2005 where the number of Union Councillors positions for your organisation requiring election was discussed.

During our discussion you advised that you agreed with my interpretation of your organisation's rules as to the number of positions to be elected, but wished to discuss such interpretation with your organisation's legal advisor Mr Smith. You undertook to advise me of the outcome of such consultation with your legal advisor.

On 20 September 2005 I received a copy of your letter to Mr Smith requesting him to contact you so as to discuss this matter.

This office has received no further advice in relation to this matter.

Would you please advise me by Wednesday, 26 October 2005 as to when advice can be expected as to the outstanding matter.

Should you wish to discuss this letter, I may be contacted on (03) 8661 7993 or by email at [larry.powell@air.gov.au](mailto:larry.powell@air.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'L Powell'.

Larry Powell  
Statutory Services Branch

19 October 2005

# Facsimile Cover Sheet

# LGRCEU

112 CHARLES STREET,  
WEST PERTH WA 6005  
PHONE (08) 9328 7159  
FACSIMILE: (08) 9328 4792



<b>To:</b>	Mr Larry Powell
<b>Company:</b>	AIRC
<b>Phone:</b>	
<b>Fax:</b>	(03) 9655 0401
<b>From:</b>	Andrew Johnson
<b>Date:</b>	20 <sup>TH</sup> September, 2005
<b>Pages including cover page:</b>	TWO (2)

 Urgent For Review Please Comment Please Reply Please Recycle

Dear Mr Powell

**RE: FEDERAL BODY ELECTION**

Please find attached a copy of a letter forwarded to the Unions legal representative for your information.

Thank you for your assistance in this matter.

Yours faithfully

Andrew Johnson  
INTERIM SECRETARY

**LGRCEU**

**FORMERLY THE ~~MELL~~**  
**FOR OVER 90 YEARS**

*Western Australian Shire Councils, Municipal Road Boards,  
Health Boards, Parks, Cemeteries and Racecourses,  
Public Authorities Water Boards Union*

**INTERIM SECRETARY ANDREW JOHNSON**

**PO BOX 183 LEEDERVILLE WA 6007**

Email: lgrceu @ bigpond.com.au

TEL: (08) 9328 5854

(08) 9328 7159

FAX: (08) 9328 4792

1800 199 945

19<sup>TH</sup> August, 2005

Mr D Smith  
Barrister & Solicitor  
5 Parkfield Street  
BUNBURY WA 6230

**URGENT, PRIVATE & CONFIDENTIAL**

Dear David,

**RE: CONDUCT OF ELECTIONS FOR THE FEDERAL BODY**

Please be advised that I received a telephone call from Mr Larry Powell, the Australian Industrial Relations Commission on Thursday, the 15<sup>th</sup> of September, 2005 looking for a urgent response to correspondence dated the 29<sup>th</sup> of July, 2005 concerning the number of positions available for election in the Federal Body.

Further to the telephone message left on the 15<sup>th</sup> of September, 2005 I believe that this matter needs to be acted upon urgently so that progress can be made to establish a permanently elected Federal Body.

The Union would appreciate your contact on this matter and also discussion regarding the Annual Returns and in addition, the Union also wishes to discuss with you the current situation concerning the nominated Auditor under the Orders of the Western Australian Industrial Relations Commission.

The Union looks forward to your response.

Yours faithfully

Andrew Johnson  
INTERIM SECRETARY



**Australian Government**  
**Australian Industrial Registry**

Level 35  
80 Collins Street, Melbourne, VIC 3000  
GPO Box 1994S, Melbourne, VIC 3001  
Telephone: (03) 8661 7993  
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Yours sincerely,

A handwritten signature in black ink, appearing to read 'L. Powell'.

Larry Powell  
Statutory Services Branch

29 July 2005



**Australian Government**

**Australian Industrial Registry**

Level 35  
80 Collins Street, Melbourne, VIC 3000  
GPO Box 1994S, Melbourne, VIC 3001  
Telephone: (03) 8661 7993  
Fax: (03) 9654 6672

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Barrister and Solicitor  
5 Parkfield Street  
BUNBURY WA 6230

Dear Mr. Smith,

**Re: Arrangement for the conduct of an election in accordance with section 189 of Schedule 1B of the Workplace Relations Act 1996 - Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union - E2005/55**

Thank you for your letter dated 12 July 2005 and prescribed information pursuant to regulation 138 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003 in relation to the conduct of an election for the abovementioned organisation signed by the organisation's Vice-President Mr Andrew Johnson.

Mr Johnson in his correspondence has requested, among other positions, an election be conducted for three Union Council Representatives ("Union Councillors").

On a further examination of the rules of the organisation I believe, for the reasons set out below, the correct number is two.

Federal rule 14(2)(a) and also rule 25(1) of the Western Australian Division's rules provide that the Division Secretary shall be a representative of the Division to the Union Council. Also, Federal rule 14(2)(b) and Western Australian Division rule 25(2) refer to the manner of election of the "remaining representatives of the Division to the Union Council" (my emphasis).

The number of representatives that a Division may have on the Union Council is determined by a formula as set out in Federal rule 13(2)(a). The membership numbers contained in your correspondence of 17 March 2005 would appear to entitle the Division to three representatives to the Union Council.

As the Division Secretary is by virtue of their office one of the representatives on the Union Council, the number of representatives that a Division is entitled to under federal rule 13(2)(a) would therefore have to be reduced by one to accommodate the representative position held by the Division Secretary.

Accordingly, I request you make arrangements for an amended notification, signed by an officer of the organisation, to be lodged in this office requesting that arrangements be made for the conduct of an election for two Union Councillors rather than the three previously requested.

If you believe this is a misinterpretation, I will be pleased to receive any submission you may wish to make.



I am conscious this request will further delay the conduct of this election. However, it should be noted that a Registrar can only arrange for the conduct of an election if he/she is satisfied that an election is required to be held under the rules of the organisation.

Should you wish to discuss the contents of this letter I may be contacted on (03) 8661 7993 or by e-mail at [larry.powell@air.gov.au](mailto:larry.powell@air.gov.au).

Yours sincerely,

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

Larry Powell  
Statutory Services Branch

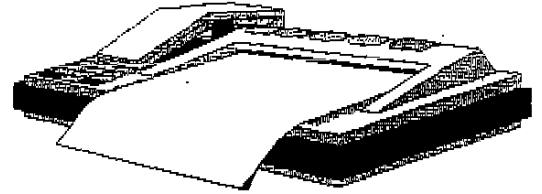
29 July 2005

cc Mr A. Johnson



**LGRC2U**

# Facsimile Cover Sheet



112 CHARLES STREET,  
WEST PERTH WA 6005  
PHONE (08) 9328 7159  
FACSIMILE: (08) 9328 4792

<b>To:</b>	LARRY POWELL
<b>Company:</b>	AIRC MELBOURNE
<b>Phone:</b>	
<b>Fax:</b>	03 9654 6672
<b>From:</b>	ANDREW JOHNSON
<b>Date:</b>	JULY 13 2005
<b>Pages including cover page:</b>	9

Urgent     
  For Review     
  Please Comment     
  Please Reply     
  Please Recycle

RE: NOTICE AND REQUEST AND PRESCRIBED INFORMATION

Further to phone discussion today, please find attached information, sent originally July 12 2005

a. a. Johnson

**DAVID SMITH**  
**Barrister & Solicitor**  
**5 Parkfield Street, Bunbury WA 6230**

Postal Address:  
PO Box 393  
Bunbury WA 6231

Tel: 08 9721 8299  
9721 8303  
Fax: 08 9721 8887

Mr. Larry Powell  
Australian Industrial Registry  
GPO Box 1994S  
Melbourne  
Victoria 3071  
Fax: 0396546672

*David  
Smith  
(1 for)* *File*

*AJ's*

**COPY**

12<sup>th</sup> July, 2005

Dear Mr. Powell, re: **Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries, and Race Course, Public Authorities, Water Boards Union – Election Notification E2005/55.**

I refer to your letter of the 1<sup>st</sup> April, 2005, and subsequent letters and telephone calls, and apologise for the long delay in this matter, which has been my fault and not the Union or its Executive.

I agree with all your comments and am faxing herewith an amended request for elections.

Can you now please progress these elections.

With best wishes,

Yours faithfully,



David Smith

NOTICE, REQUEST AND PRESCRIBED INFORMATION UNDER  
REGULATIONS 136-138

I, ANDREW GERARD JOHNSON formerly of 4 Peppermint Grove, Greenwood, in the State of Western Australia, but now of, 41 Newcross Road, Kingsley, in the said State, hereby make the following statement:-

1. I have been, since it was first registered as a registered organisation with the A.I.R.C. a Vice-President of the Western Australian Shire Councils, Municipal Roads Boards, Health Boards, Parks and Cemeteries, Race Courses, Public Authorities, Water Boards Union of 112 Charles Street, West Perth in the said State.
2. I am also the Acting Secretary of the said Union due to the ill health of the former Secretary Adrian Bennett.
3. I have had to assume this role because the said Adrian Bennett is no longer capable of doing so.
4. Attached hereto is a copy of an Order made on the 9<sup>th</sup> February, 2005 relating to the State Union which shares some offices and staff with the above Union, and of which Adrian Bennett was also Secretary.
5. Elections for the offices of the State Union have been held by the WA Electoral Commission.
6. I have been authorised by a meeting of the interim executive of the Union referred to in clause 1 hereof, to lodge the following Prescribed Information with a view to arranging for elections for all positions in the above Federal Union to be conducted by the Australian Electoral Commission under the auspices of the Australian Industrial Relations Commission.
7. I confirm that to the best of my knowledge and advice the following information is correct and complies with Section 189(i) of the RAO Schedule and Regulations 136 to 139.

Dated the 12 day of July, 2005.

  
.....  
ANDREW GERARD JOHNSON

Goldfields

Murchison

Pilbara

Kimberley – Territories

7. Three Division Trustees

Returning Officer

8. One for each of the above executives and Conferences.

Please Note

There is in my view no reason why a person may not nominate for and be elected to similar positions in each of the Division Executive, Division Council, National Executive and National Council but not to more than one position in each.

A. Reasons for Election

To remove any doubt as to who the legitimate holders of the above positions are at present, and to ensure that all positions are elected by a democratic and accountable process, and also to ensure that the Unions status is regularised in conformity with the requirements of it being a registered organisation with the AIRC.

B. Who is eligible to vote in the elections.

The WA Division and the National Division have the same membership.

It is proposed that all positions be elected by a direct election of all financial members of the National Union and WA Division.

C. Nominations to open.

Nominations for all positions should be opened at the earliest possible dates approved by the AEC and the Australian Industrial Registry.

D. Nominations to Close.


One month after they open.

E. Cut off date for roll.

Ten (10) days from when nominations open.

F. Other Requirements.

Any other conditions or elections or requirements that may be requested by the Australian Industrial Registry for the conduct of the elections and to ensure that the Union fully complies with all the legislative and registration requirements of a registered organisation.

  
.....  
Signed by Andrew Gerard Johnson  
on 1 / 2005

SCHEDULE  
OFFICES AND POSITIONS

National Union Executive

1. Union President
2. Union Vice-Presidents (4)
3. Union Treasurer
4. Union Secretary
5. Union Assistant Secretary (1)
6. Union Trustees (3)
7. Union Council Representatives (3)

WA Division Conference

1. Division President
2. Division Vice-President
3. Division Treasurer
4. Division Secretary
5. Division Executive Committee Members (6)
6. Division Conference Delegates from each of the following zones:-

Metropolitan

Central Districts

South Western

Coastal Districts

## WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

<b>PARTIES</b>	DAVID JAMES	<b>APPLICANT</b>
	-and-	
	WESTERN AUSTRALIAN MUNICIPAL, ROAD BOARDS, PARKS AND RACECOURSES UNION OF WORKERS	<b>RESPONDENT</b>
<b>CORAM</b>	HIS HONOUR THE PRESIDENT P J SHARKEY	
<b>DATE</b>	WEDNESDAY, 9 FEBRUARY 2005	
<b>FILE NO/S</b>	PRES 7 OF 2004	
<b>CITATION NO.</b>	2005 WAIRC 00224	

---

<b>Decision</b>	Orders and Directions
<b>Applicant</b>	Mr D Smith (of Counsel), by leave
<b>Respondent</b>	Mr P W Nichols (of Counsel), by leave

---

*Order*

This matter having come on for hearing before me on the 9<sup>th</sup> day of February 2005, and having heard Mr D Smith (of Counsel), by leave, on behalf of the applicant, and Mr P W Nichols (of Counsel), by leave, on behalf of the respondent, and the parties having achieved consent as to the orders sought, and the parties herein having waived their rights pursuant to s35 of the *Industrial Relations Act 1979* (as amended), it is this day, the 9<sup>th</sup> day of February 2005, ordered and directed as follows:-

1. THAT the audit be carried out by Tom Lane & Co and if this arrangement fails, by a firm of chartered accountants selected by the Registrar. The audit to be completed, if possible, within 28 days.
2. THAT the Western Australian Electoral Commission be appointed to conduct elections immediately for all positions on the Executive.



3. THAT an interim Executive be appointed to consist of Andrew Gerard Johnson, Andrea Ginette Ballantyne, Douglas White, David James, Barry Dyer, Stewart Barron, Raymond Barron, Neil Macaulay, Charles Higo with Trustees being Douglas White, John Maxwell and Angus Hutching but not Adrian Bennett or June Bennett.
4. THAT Adrian Bennett and June Bennett be prepared to act as consultants and to facilitate the transfer of authority to the interim Executive including the signatories to the bank accounts and the reopening of the premises at Charles Street but communication be between solicitors.
5. THAT the interim Executive undertakes to the Commission that:-
  - a) They only will do what is necessary to operate the union pending the election results.
  - b) The interim Executive will hold themselves accountable to the elected Executive for the interim Executive's actions.
6. THAT the interim Executive confine themselves to the following areas:-
  - a) the carrying out of these orders
  - b) the re-entry of the Charles Street premises and if necessary their sale
  - c) the engagement of the staff that they consider necessary
  - d) the delivery of day to day services to the membership
  - e) the payment of current debts and current expenses.
7. THAT the keys to the union premises at 112 Charles Street, West Perth be delivered to the applicant's solicitor on or before the close of business on Monday, the 14<sup>th</sup> day of February 2005.

8. THAT the parties to these proceedings will cooperate in arranging the new election for the federal union with similar arrangements as above including the interim Executive.
9. THAT the records of the state and federal union other than those required for the audit be returned to 112 Charles Street, West Perth within seven days and those required for the audit on completion of the audit.
10. THAT there be liberty to apply for such further orders or directions as may become necessary on 48 hours notice to the other party.



... PRESIDENT

**PRESIDENT**

**DAVID SMITH**  
**Barrister & Solicitor**  
**5 Parkfield Street, Bunbury WA 6230**

Postal Address:  
PO Box 393  
Bunbury WA 6231

Tel: 08 9721 8299  
9721 8303  
Fax: 08 9721 8887

---

Mr. Larry Powell  
Australian Industrial Registry  
GPO Box 1994S  
Melbourne  
Victoria 3071  
Fax: 0396546672

12<sup>th</sup> July, 2005

Dear Mr. Powell,      **re: Western Australian Shire Councils, Municipal  
Road Boards, Health Boards, Parks,  
Cemeteries, and Race Course, Public  
Authorities, Water Boards Union – Election  
Notification E2005/55.**

I refer to your letter of the 1<sup>st</sup> April, 2005, and subsequent letters and telephone calls, and apologise for the long delay in this matter, which has been my fault and not the Union or its Executive.

I agree with all your comments and am faxing herewith an amended request for elections.

Can you now please progress these elections.

With best wishes,

Yours faithfully,



David Smith

NOTICE, REQUEST AND PRESCRIBED INFORMATION UNDER  
REGULATIONS 136-138

I, ANDREW GERARD JOHNSON formerly of 4 Peppermint Grove, Greenwood, in the State of Western Australia, but now of 41 Newcross Road, Kingsley, in the said State, hereby make the following statement:-

1. I have been, since it was first registered as a registered organisation with the A.I.R.C. a Vice-President of the Western Australian Shire Councils, Municipal Roads Boards, Health Boards, Parks and Cemeteries, Race Courses, Public Authorities, Water Boards Union of 112 Charles Street, West Perth in the said State.
2. I am also the Acting Secretary of the said Union due to the ill health of the former Secretary Adrian Bennett.
3. I have had to assume this role because the said Adrian Bennett is no longer capable of doing so.
4. Attached hereto is a copy of an Order made on the 9<sup>th</sup> February, 2005 relating to the State Union which shares some offices and staff with the above Union, and of which Adrian Bennett was also Secretary.
5. Elections for the offices of the State Union have been held by the WA Electoral Commission.
6. I have been authorised by a meeting of the interim executive of the Union referred to in clause 1 hereof, to lodge the following Prescribed Information with a view to arranging for elections for all positions in the above Federal Union to be conducted by the Australian Electoral Commission under the auspices of the Australian Industrial Relations Commission.
7. I confirm that to the best of my knowledge and advice the following information is correct and complies with Section 189(i) of the RAO Schedule and Regulations 136 to 139.

Dated the      day of July, 2005.

  
.....  
ANDREW GERARD JOHNSON

Goldfields

Murchison

Pilbara

Kimberley – Territories

7. Three Division Trustees

Returning Officer

8. One for each of the above executives and Conferences.

Please Note

There is in my view no reason why a person may not nominate for and be elected to similar positions in each of the Division Executive, Division Council, National Executive and National Council but not to more than one position in each.

A. Reasons for Election

To remove any doubt as to who the legitimate holders of the above positions are at present, and to ensure that all positions are elected by a democratic and accountable process, and also to ensure that the Unions status is regularised in conformity with the requirements of it being a registered organisation with the AIRC.

B. Who is eligible to vote in the elections.

The WA Division and the National Division have the same membership.

It is proposed that all positions be elected by a direct election of all financial members of the National Union and WA Division.

C. Nominations to open.

Nominations for all positions should be opened at the earliest possible dates approved by the AEC and the Australian Industrial Registry.

D. Nominations to Close.


One month after they open.

E. Cut off date for roll.

Ten (10) days from when nominations open.

F. Other Requirements.

Any other conditions or elections or requirements that may be requested by the Australian Industrial Registry for the conduct of the elections and to ensure that the Union fully complies with all the legislative and registration requirements of a registered organisation.

  
.....  
Signed by Andrew Gerard Johnson  
on / /2005

**SCHEDULE**  
**OFFICES AND POSITIONS**

**National Union Executive**

1. Union President
2. Union Vice-Presidents (4)
3. Union Treasurer
4. Union Secretary
5. Union Assistant Secretary (1)
6. Union Trustees (3)
7. Union Council Representatives (3)

**WA Division Conference**

1. Division President
2. Division Vice-President
3. Division Treasurer
4. Division Secretary
5. Division Executive Committee Members (6)
6. Division Conference Delegates from each of the following zones:-
  - Metropolitan
  - Central Districts
  - South Western
  - Coastal Districts

2005 WAIRC 00224

## WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

<b>PARTIES</b>	DAVID JAMES	<b>APPLICANT</b>
	-and-	
	WESTERN AUSTRALIAN MUNICIPAL, ROAD BOARDS, PARKS AND RACECOURSES UNION OF WORKERS	<b>RESPONDENT</b>
<b>CORAM</b>	HIS HONOUR THE PRESIDENT P J SHARKEY	
<b>DATE</b>	WEDNESDAY, 9 FEBRUARY 2005	
<b>FILE NO/S</b>	PRES 7 OF 2004	
<b>CITATION NO.</b>	2005 WAIRC 00224	

---

<b>Decision</b>	Orders and Directions
<b>Applicant</b>	Mr D Smith (of Counsel), by leave
<b>Respondent</b>	Mr P W Nichols (of Counsel), by leave

---

*Order*

This matter having come on for hearing before me on the 9<sup>th</sup> day of February 2005, and having heard Mr D Smith (of Counsel), by leave, on behalf of the applicant, and Mr P W Nichols (of Counsel), by leave, on behalf of the respondent, and the parties having achieved consent as to the orders sought, and the parties herein having waived their rights pursuant to s35 of the *Industrial Relations Act 1979* (as amended), it is this day, the 9<sup>th</sup> day of February 2005, ordered and directed as follows:-


1. THAT the audit be carried out by Tom Lane & Co and if this arrangement fails, by a firm of chartered accountants selected by the Registrar. The audit to be completed, if possible, within 28 days.
2. THAT the Western Australian Electoral Commission be appointed to conduct elections immediately for all positions on the Executive.



3. THAT an interim Executive be appointed to consist of Andrew Gerard Johnson, Andrea Ginette Ballantyne, Douglas White, David James, Barry Dyer, Stewart Barron, Raymond Barron, Neil Macaulay, Charles Higo with Trustees being Douglas White, John Maxwell and Angus Hutching but not Adrian Bennett or June Bennett.
4. THAT Adrian Bennett and June Bennett be prepared to act as consultants and to facilitate the transfer of authority to the interim Executive including the signatories to the bank accounts and the reopening of the premises at Charles Street but communication be between solicitors.
5. THAT the interim Executive undertakes to the Commission that:-
  - a) They only will do what is necessary to operate the union pending the election results.
  - b) The interim Executive will hold themselves accountable to the elected Executive for the interim Executive's actions.
6. THAT the interim Executive confine themselves to the following areas:-
  - a) the carrying out of these orders
  - b) the re-entry of the Charles Street premises and if necessary their sale
  - c) the engagement of the staff that they consider necessary
  - d) the delivery of day to day services to the membership
  - e) the payment of current debts and current expenses.
7. THAT the keys to the union premises at 112 Charles Street, West Perth be delivered to the applicant's solicitor on or before the close of business on Monday, the 14<sup>th</sup> day of February 2005.

2005 WAIRC 00224

8. THAT the parties to these proceedings will cooperate in arranging the new election for the federal union with similar arrangements as above including the interim Executive.
9. THAT the records of the state and federal union other than those required for the audit be returned to 112 Charles Street, West Perth within seven days and those required for the audit on completion of the audit.
10. THAT there be liberty to apply for such further orders or directions as may become necessary on 48 hours notice to the other party.

 J. P. H. HONEY

PRESIDENT



**Australian Government**  
**Australian Industrial Registry**

Level 35, Nauru House  
80 Collins Street, Melbourne, VIC 3000  
GPO Box 1994S, Melbourne, VIC 3001  
Telephone: (03) 8661 7993  
Fax: (03) 9654 6672

Mr A. Johnson  
41 Newcross Road  
KINGSLEY WA 6026

Dear Mr Johnson,

**Re: Western Australian Shire Councils, Municipal Road Boards, Health Boards,  
Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union  
Election notification - E 2005/55**

Please find attached correspondence to Mr. David Smith in relation to the above matter.

Should you wish to discuss this letter, I may be contacted on (03) 8661 7993 or by email at [larry.powell@air.gov.au](mailto:larry.powell@air.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'L. Powell'.

Larry Powell  
Statutory Services Branch

29 June 2005



**Australian Government**  
**Australian Industrial Registry**

Level 35, Nauru House  
80 Collins Street, Melbourne, VIC 3000  
GPO Box 1994S, Melbourne, VIC 3001  
Telephone: (03) 8661 7993  
Fax: (03) 9654 6672

Mr D. Smith  
Barrister and Solicitor  
5 Parkfield Street  
BUNBURY WA 6230

Dear Mr Smith,

**Re: Conduct of election - Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union  
- E 2005/55**

I refer to the prescribed information lodged pursuant to section 189 of the Registration and Accountability of Organisations Schedule (RAO Schedule) and regulation 138 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003 (RAO Regs) in relation to the conduct of an election for positions in the abovementioned organisation. The prescribed information was lodged in the Industrial Registry on 2 March 2005.

I also refer to my letter of 1 April 2005 requesting clarification as to which offices the organisation is requesting the Registrar to make election arrangements for (copy attached). I also refer to my letter of 9 May 2005 requesting a response to my 1 April letter by 23 May 2005. To date no response has been received to these letters.

I further refer to my telephone messages of 29 April, 1 and 10 June 2005. No response has been received in relation to these.

As this matter has been ongoing for some time could you please advise this office by Tuesday, 12 July 2005 as to what stage this matter is now at.

Please note that until the outstanding information is received, I am unable to progress this matter further.

Should you wish to discuss this letter, I may be contacted on (03) 8661 7993 or by email at [larry.powell@air.gov.au](mailto:larry.powell@air.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'L. Powell'.

Larry Powell  
Statutory Services Branch

29 June 2005

cc Mr A. Johnson



**Australian Government**  
**Australian Industrial Registry**

Level 35, Nauru House  
80 Collins Street, Melbourne, VIC 3000  
GPO Box 1994S, Melbourne, VIC 3001  
Telephone: (03) 8661 7993  
Fax: (03) 9654 6672

Mr. D. Smith  
Barrister and Solicitor  
5 Parkfield Street  
BUNBURY WA 6230

Dear Mr. Smith,

**Re: Conduct of election - Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union - E2005/55**

I refer to my letter dated 1 April 2005 and telephone message of 29 April 2005 requesting advice as to which positions the abovenamed organisation is seeking an election for.

A response does not appear to have been received in this office.

Would you please make arrangements for the requested advice to be lodged in this office by Monday 23 May 2005.

Should you wish to discuss this matter further, I may be conducted by telephone on (03) 8661 7993 or at [larry.powell@air.gov.au](mailto:larry.powell@air.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'L Powell', written over a horizontal line.

Statutory Services Branch

9 May 2005



**Australian Government**

**Australian Industrial Registry**

Level 35, Nauru House  
80 Collins Street, Melbourne, VIC 3000  
GPO Box 1994S, Melbourne, VIC 3001  
Telephone: (03) 8661 7993  
Fax: (03) 9654 6672

Mr. D. Smith  
Barrister and Solicitor  
5 Parkfield Street  
BUNBURY WA 6230

Dear Mr. Smith,

**Re: Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union**

I refer to the prescribed information lodged pursuant to section 189 of the Registration and Accountability of Organisations Schedule (RAO Schedule) and regulation 138 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003 (RAO Regs) in relation to the conduct of an election for positions in the abovementioned organisation. The prescribed information was signed by Mr. Andrew Johnson Vice-President of the organisation and lodged in the Industrial Registry on 2 March 2005 under cover of your letter of 1 March 2005.

I also refer to your letters of 11 and 17 March 2005 providing further information in relation to the requested election.

After examining the rules of the organisation and the abovementioned correspondence it would appear that further clarification may be required before arrangements can be made for the conduct of the election.

Your attention is drawn to the following:

**Offices requested which I agree are required**

**National Union Executive**

President  
Vice-Presidents (4)  
Treasurer  
Secretary  
Assistant Secretary  
Trustees  
Union Council Representatives (3)

**Offices that should have been requested**

Division Conference Delegates (8)  
Division Executive Committee Members (6)  
Division Vice President

**Offices requested that should not have been requested**

Division Assistant Secretary

Subrule 21(2) of the Western Australian Division rules provides that the Division Conference consists of the Division Executive and one Delegate from each of the zones of the Division. The information contained in your letter of 17 March 2005 indicates that there are eight zones. Consequently, the prescribed information should reflect the number of zones in the Division i.e. eight.

Also, in relation to the WA Division Conference, I note that the prescribed information requests for the Division Conference "Three members one of whom will be the Secretary of the WA Division". Although Western Australian Division rule 25(1) provides for the Division Secretary to be a representative of the Division on the Union Council there appears to be no rule providing for the Division Secretary to also be a member of the Division Conference by virtue of holding the office of Division Secretary.

Rule 23(1) of the Western Australian Division rules states that the Division Executive consists of, among other offices, six Division Executive Committee Members. As such number is a set number and is not reliant on any representation rights as with the Division Conference Delegates representing zones, it would seem that the prescribed information lodged should have requested six Division Executive Committee Members rather than the three requested.

In regard to the two Division Vice-President positions I note that Part Two - Rules for the administration of a Division of the organisation's rules refers to Division Vice Presidents - see rules 63(1) and 64(2), whereas the Western Australian Division rules refer to a single Division Vice-President - see rules 23(1) and 24(2). It would appear that an election is only required for one Division Vice-President from the Western Australian Division.

In your letter of 11 March 2005 you state that you believe that among others, an election should be held for the position of Division Assistant Secretary. Although the Western Australian Division rules do not provide for such position I note that rule 69A of Part Two - rules for Administration of a Division provides that the Division Conference may determine there shall be a Division Assistant Secretary. It would appear that an election for such position can only be held if such determination has been made by the Division Conference. If such determination has been made could you please advise.

If you agree with the above, I suggest an amended request signed by Mr. Johnson be forwarded to this office for the offices listed in the attachment. If there is any disagreement with such, please contact me as soon as practicable on (03) 8661 7993 or by e-mail at [larry.powell@air.gov.au](mailto:larry.powell@air.gov.au).

Yours sincerely,



Statutory Services Branch

1 April 2005

ATTACHMENT

National

Union President  
Union Vice-Presidents (4)  
Union Treasurer  
Union Secretary  
Assistant Union Secretary  
Union Trustees (3)  
Union Council Representatives (3)

WA Division

Division President  
Division Vice-President  
Division Treasurer  
Division Secretary  
Division Executive Committee Members (6)  
Division Conference Delegate from each of the following zones:

Metropolitan  
Central Districts  
South Western  
Coastal Districts  
Goldfields  
Murchison  
Pilbara  
Kimberley-Territories



**DAVID SMITH**  
**Barrister & Solicitor**  
**5 Parkfield Street, Bunbury WA 6230**

Postal Address:  
PO Box 393  
Bunbury WA 6231

Tel: 08 9721 8299  
9721 8303  
Fax: 08 9721 8887

---

Mr. Larry Powell  
AIRC  
Australian Industrial Registry  
GPO box 1994S  
Melbourne Victoria 3001  
[larry.powell@air.gov.au](mailto:larry.powell@air.gov.au)

17<sup>th</sup> March, 2005

Dear Mr. Powell,        **re: Western Australian Shire Councils, Municipal  
Road Boards, Health Boards, Parks,  
Cemeteries, and Race Course, Public  
Authorities Water Boards Union.**

Further to my letter of the 11<sup>th</sup> March, 2004, I enclose the details of the only Division of the Union, which is the WA Division, broken down between the Metropolitan region and the various zones.

You will note the "Court Division" is really a SE Division that includes the South Coast, but also includes many of the inland Local Authorities in the South East of WA.

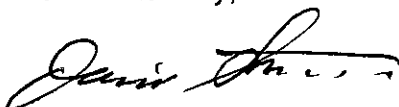
The figures and graphs enclosed take it through to the 30/6/2004. There was then a further decline to 9/2/2005, but numbers have increased strongly since then, so the June 30<sup>th</sup> 2004 figures are probably slightly below current membership.

Nonetheless the Union Executive believes it is the numbers as at 30/6/2004 that are relevant.

An actual electoral toll is currently being prepared by the WAEC and the Union.

Can you please advise what else you require to enable the fresh elections for the Federal Union to be progressed.

Yours faithfully,



David Smith

**SUMMARY - TOTALS PER SHIRE**

PERIOD ENDING JUNE, 2004

METRO MEMBERS = 904

REGIONAL MEMBERS = 390

1294

TOTAL PAYING MEMBERSHIP

**DOWN**

METRC 21

REGN 6

27 MEMBERS FROM LAST QUARTER

EQUATES TO LOSS OF \$2509.65 PER QUARTER

## MEU SHIRE ZONES

METRO		P.C.	GOLDFIELDS DIV.		P.C.	COASTAL DIV.		P.C.
1 MEU Staff	6005	400 Boulder Shire	6430	550 Albany City	6330			
2 Armadale Shire	6112	401 Coolgardie Shire	6442	552 Boyup Brook	6244			
3 Bassendean Shire	6054	402 Dundas Shire	6443	553 Bridgetown	6255			
4 Bayswater Shire	6053	403 Esperance Shire	6450	554 Broomehill	6318			
5 Belmont Shire	6104	404 Kalgoorlie Town	NR	555 Cranbrook	6321			
6 Canning City of	6107	405 Laverton Shire	6440	556 Denmark	6333			
7 Claremont Town	6910	406 Leonora	6438	557 Dumbleyung S/o	6350			
8 Cockburn City of	6163	407 Menzies	6436	558 Gnowangerup	6335			
9 Fremantle City	6160	408 Sandstone	6639	559 Katanning	6317			
10 Gosnells City	6108	409 Wiluna	6646	560 Kent	6341			
11 Kalamunda Shire	6076	410 Yilgarn	6426	561 Kojonup	6395			
12 Kwinana Shire	6167	<b>MURCHISON DIV.</b>		562 Lake Grace	6363			
13 Melville City	6153	450 Carnamah	6517	563 Manjimup	6258			
14 Mosman Park T/o	6012	451 Chapman Valley	6532	564 Plantagenet	6324			
15 Mundaring Shire	6073	452 Coorow	6515	565 Ravensthorpe	6346			
16 Nedlands City	6009	453 Cue	NR	566 Tambellup	6320			
17 Peppermint Grove Shire	6011	454 Geraldton	6530	567 Wagin	6315			
18 Perth City	6000	455 Greenough	6530	568 West Arthur S/o	6392			
19 Rockingham City	6168	456 Irwin	6525	569 Woodanilling	6316			
20 Stirling City	6021	457 Mingenew	6522	570 Albany Race Club	NR			
21 Subiaco City	6008	458 Morawa	6623	571 Jerramungup	6337			
22 Swan Shire	6057	459 Mt. Magnet	6638	<b>SOUTH WEST DIV.</b>				
23 Joondalup City	6027	460 Mullewa	6630	600 Aug\Margaret River	6285			
24 Cottesloe Town	6011	461 Murchison	6630	601 Boddington	6390			
25 East Fremantle T/o	6158	462 Northampton	6535	602 Bunbury City	6231			
26 South Perth City	6151	463 Perenjori	NR	603 Bunbury Water Board	NR			
27 Vincent City	6007	464 Shark Bay	6537	604 Busselton Shire	6280			
28 Victoria Park Town	6100	465 Three Springs	6519	605 Busselton Water Board	6280			
29 Cambridge Town	6005	466 Yalgoo	6635	606 Capel	6271			
30 Wanneroo City	6065	<b>CENTRAL DIV.</b>		607 Chittering	6065			
150 Kings Park Board	6005	500 Beverly	6304	608 Collie	6225			
151 University of WA	NR	501 Brookton	6306	609 Dandaragan	6507			
152 WA Institute of Tech	NR	502 Bruce Rock	6418	610 Dardanup	6236			
153 Murdoch University	NR	503 Corrigin S/o	6375	611 Donnybrook\Balingup	6239			
154 WA Trotting Assn.	6004	504 Cuballing	NR	612 Gingin	6503			
172 WA Turf Club	6102	505 Cunderdin	NR	613 Harvey	6220			
17? WA Cricket Assn.	NR	506 Dalwallinu	6609	614 Mandurah	6210			
173 Cannington Greyhound	6107	507 Dowerin	6461	615 Moora	6510			
174 Perth City Cleaners	6000	508 Goomalling	6460	616 Murray\Pinjarra	6208			
181 Royal Agricultural Society	6010	509 Kellerberrin	6410	617 Nannup	6275			
192 Metropltn. Cemeteries Brd.	6010	510 Kondinin	6367	618 Northam Shire	6401			
194 Eastern Metropolitan	6104	511 Koorda	6475	619 Northam Town	6401			
Regional Council		512 Kulin	6365	620 Serpentine\Jarradale	6202			
195 Western Refuse Disp.Zone	NR	513 Merredin	6415	621 Toodyay	6566			
198 Contractors	NR	514 Mt. Marshall	6477	622 Victoria Plains	6569			
196 East Fremantle Cemetery	W	515 Mukinbudin	6479	623 Wandering	6308			
<b>KIMBERLEY DIV.</b>		516 Narembeen	6369	624 Waroona S/o	6215			
300 Broome Shire	6725	518 Narrogin Shire	6312	625 Williams	6391			
301 Halls Creek Shire	6770	519 Nungarin	6490	626 Bunbury Race Club	NR			
302 W. Kimberley\Derby Shire	6728	520 Pingelly	6308	627 Northam Race Club	NR			
303 E. Kimberley\Wyndham S	6743	521 Quairading	6383					
<b>PILBARA DIV.</b>		522 Tammin	6409	630 Coco's Islands	6799			
350 Canarvon Shire	6701	523 Trayning	NR					
351 East Pilbara\MarbleBar	6760	524 Westonia	6423					
352 Exmouth Shire	6707	525 Wickepin	6370					
353 Meekathara Shire	6642	526 Wongan\Ballidu S/o	6603					
354 Port Hedland T/o	6721	527 Wyalkatchem	6485					
355 Roebourne Shire	6714	528 York S/o	6302					
356 Upper Gascoyne	6701	529 York Racing Club	NR					
357 Ashburton Shire	6751							



		2000	2000	2001	2001	2001	2002	2002	2002	2002	2003	2003	2003	2003	2004	2004			2000	2000	2001	2001	2001	2002	2002	2002	2002	2003	2003	2003	2003	2004	2004				
		AUG	OCT	JAN	APR	OCT	APR	JUL	OCT	DEC	MAR	JUN	SEP	DEC	MAR	JUN			AUG	OCT	JAN	APR	OCT	APR	JUL	OCT	DEC	MAR	JUN	SEP	DEC	MAR	JUN				
507	Dowerin	1	1	1	1	1	1	1	1	1	1	1	1	1	2	1	618	Northam Shire	8	9	9	8	7	7	8	8	6	4	2	2	1	1					
508	Goomalling	1	1	1	1	2	3	3	3	3	3	2	2	2	2	2	619	Northam Town	1	1	1	0	1	2	1	0	0	0	0	0	0	0					
509	Kellerberrin	8	8	8	8	9	9	9	9	8	8	8	8	8	7	7	620	Serpentine/Jarradai	12	12	12	14	14	13	13	14	14	14	14	13	12	12	1				
510	Kondinin	5	5	10	10	8	4	1	1	1	1	1	0	0	0	0	621	Toodyay	2	1	1	1	1	0	0	0	0	0	0	0	0	0	0				
511	Koorda	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	622	Victoria Plains	3	3	3	7	7	7	7	4	7	7	7	7	7	7					
512	Kulin	5	5	4	4	5	5	5	4	3	2	1	1	1	1	1	623	Wandering	5	4	4	5	5	6	6	4	0	4	5	5	5	5	6				
513	Merredin	1	1	1	1	1	0	0	0	1	1	1	1	1	1	1	624	Waroona S/o	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0			
514	Mt. Marshall	5	4	6	4	2	2	2	2	2	2	2	2	2	2	2	625	Williams	2	2	2	2	3	2	2	2	2	1	1	1	1	1	1				
515	Mukinbudin	3	3	3	1	1	1	0	0	0	0	0	0	0	0	0	626	Bunbury Race Club	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
516	Narembeen	6	7	7	7	7	6	6	6	4	4	5	0	6	6	7	627	Northam Race Club	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
518	Narrogin Shire	12	12	11	11	12	9	10	9	8	7	7	7	7	7	7	630	Coco's Islands	16	16	16	16	16	13	13	13	13	13	1	1	1	0	0				
519	Nungarin	3	3	3	2	2	1	1	2	2	2	2	2	1	1	1	REGIONAL MEMBs. TO		763	742	740	747	691	658	625	609	567	489	431	411	401	398	39				
																			-21	-2	7	-56	-33	-33	-18	-42	-78	-58	-20	-10	-5	-					

SHIRE	Jun-04	Mar-04	DEC.03	SEPT.03	JUN.03	MAR.03	DEC.02	OCT.02	JUL.02	APR	DEC	OCT	MAY	APR	JAN20	OCT	AUG	JUN	MAY	FEB	DEC	OCT	AUG
2 Armadale Shire	41	42	44	46	46	47	47	48	48	48	50	50	48	48	47	42	45	43	46	48	46	47	46
3 Bassendean Shire	8	8	6	7	10	10	11	12	9	11	12	12	13	13	14	14	13	13	14	14	14	14	13
4 Bayswater Shire	38	40	42	38	38	38	39	39	41	40	41	38	42	43	43	43	43	44	43	43	42	43	43
5 Belmont Shire	23	24	24	24	25	25	25	27	28	28	28	28	30	29	30	30	30	30	31	30	30	30	23
6 Canning City of	73	75	70	73	77	79	89	94	92	95	94	92	80	80	80	83	84	86	86	88	86	89	85
7 Claremont Town	5	4	5	5	6	7	7	7	7	7	7	7	6	6	6	6	6	6	6	5	6	6	4
8 Cockburn City of	9	13	12	12	12	16	26	29	30	32	30	31	39	39	36	45	50	50	50	48	47	47	42
9 Fremantle City	63	64	63	57	58	59	63	67	68	69	70	66	67	67	67	70	73	72	72	71	76	78	76
10 Gosnells City	5	5	5	6	6	7	10	12	12	12	13	13	15	15	17	20	20	21	23	26	26	28	50
11 Kalamunda Shire	14	14	15	14	14	14	14	15	17	18	18	18	24	25	25	28	27	29	27	26	24	24	23
12 Kwinana Shire	15	15	11	13	14	14	14	14	14	14	15	15	14	14	14	14	14	13	13	13	13	13	13
13 Melville City	5	5	5	5	6	8	11	11	12	14	15	16	18	18	18	19	19	19	19	21	21	21	24
14 Mosman Park T/o	4	4	3	3	3	3	3	3	3	3	2	2	6	6	7	13	13	13	13	15	15	15	15
15 Mundaring Shire	7	7	7	15	15	14	15	15	15	15	14	14	23	23	24	24	24	22	22	22	21	21	19
16 Nedlands City	0	0	0	0	0	3	3	6	7	6	6	6	8	8	8	8	8	8	9	9	9	11	11
17 Pepp Grove Shire	0	0	0	0	0	0	0	0	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1
18 Perth City	71	71	63	61	64	67	64	58	61	65	71	73	70	70	77	77	73	79	80	79	79	82	84
181 Perth City Cleaners	11	11	12	13	16	16	16	16	18	17	20	20	20	20	18	18	20	18	16	15	15	17	20
19 Rockingham City	55	52	52	53	54	54	54	57	58	59	62	62	64	65	62	65	63	64	64	61	62	61	61
20 Stirling City	79	80	84	86	87	87	88	87	89	122	127	125	141	141	141	145	151	154	153	174	171	195	191
21 Subiaco City	17	20	22	21	21	21	21	22	25	24	25	24	26	27	31	39	40	40	41	40	39	39	35
22 Swan Shire	60	63	64	62	57	62	71	74	74	76	76	78	72	73	67	62	60	54	53	56	54	54	57
23 Joondalup City	75	76	74	79	81	83	85	84	90	89	87	84	69	68	64	67	68	68	68	159	160	171	171
24 Cottesloe Town	6	6	7	7	8	9	9	10	11	12	11	11	11	11	11	10	8	7	7	10	10	10	10
25 East Fremantle T/o	5	7	7	6	6	7	8	9	10	10	11	11	13	13	13	12	12	12	12	13	14	14	16
26 South Perth City	24	24	24	24	26	27	27	23	27	27	25	24	23	21	24	25	25	26	26	26	28	31	30
27 Vincent City	5	5	6	6	6	6	11	10	8	8	9	9	13	14	14	14	17	17	18	17	17	17	17
28 Victoria Park Town	11	11	11	11	10	10	12	12	12	11	13	13	15	15	15	15	15	15	15	13	13	9	9
29 Cambridge Town	5	5	5	5	5	6	7	9	10	4	5	13	21	21	20	21	22	23	23	23	23	22	22
30 Wanneroo City	89	88	82	79	78	78	78	79	82	83	82	81	94	93	94	90	93	93	94			see Joondalup	
150 Kings Park Board	20	18	18	18	18	15	17	15	15	11	7	6	14	13	15	15	15	15	13	14	16	14	5
151 University of WA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
152 WA Institute of Tech	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
153 Murdoch University	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
154 WA Trotting Assn.	0	0	0	0	0	0	0	0	0	1	2	2	2	2	2	0	0	0	2	2	5	5	5
172 WA Turf Club	20	21	21	21	21	22	20	21	22	22	21	21	23	24	24	24	26	25	23	22	23	24	24
WA Cricket Assn.	0	0	0	0	0	0	0	0	0	0	0	0	4	4	4	3	3	0	0	0	0	0	0
174 Cannington Greyhound	7	7	7	7	5	6	6	6	7	7	6	6	8	8	10	10	9	8	7	6	3	3	3
181 Royal Agricultural Societ	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2	2	2	2
192 MetroCemeteries Bd.	33	35	35	23	23	18	18	17	9	7	7	7	10	10	8	14	15	13	14	9	12	12	9
	904	921	907	901	917	939	990	1009	1032	1069	1084	1080	1148	1149	1152	1187	1206	1202	1206	1221	1223	1270	1259

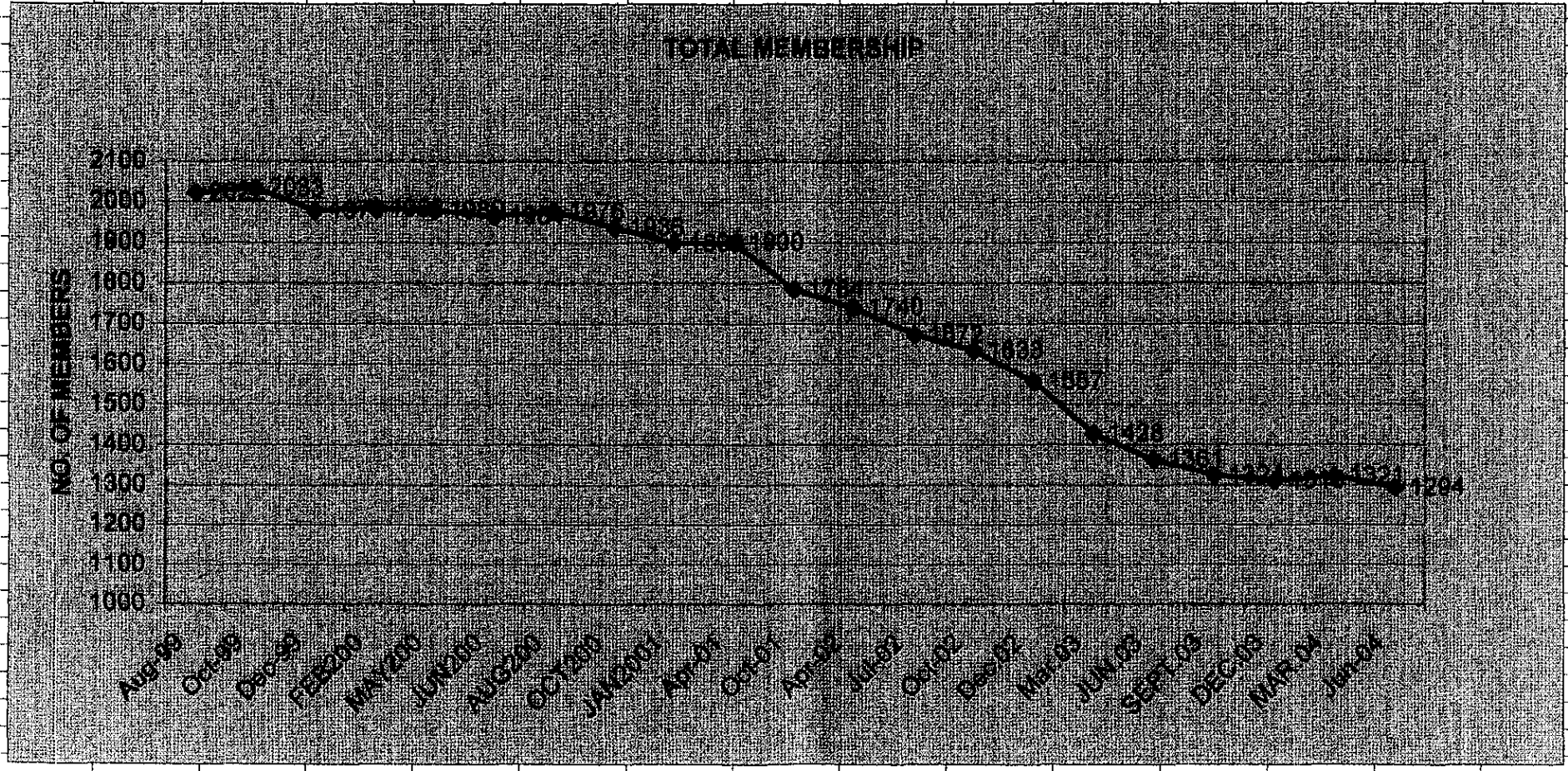
METRO

	Carried forward	904	921	907	901	917	939	990	1009	1032	1069	1084	1080	1148	1149	1152	1187	1206	1202	1206	1221	1223	1270	1259	
194	Eastern Metropolitan Regional Council	0	1	0	1	0	0	0	0	0	1	1	1	1	1	2	2	2	2	3	3	0	1	1	
195	Western Refuse Disp.Zon	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
198	Contractors	0	2	1	0	0	1	1	1	1	1	1	1	0	0	0	1	1	0	0	0	0	0	0	
196	East Fremantle Cemetery			(see MCB)	11	11	5	7	9	9	5	5	5	3	4	5	4	4	3	5	10	8	4	0	
	Rottneet Island	0	1	1	0	0	0	0	0	0	0	0	0	1											
	Araluen Country Club	0	0	0	0	2	4	4	5	5	6	7	6												
Total	Metro members	904	925	909	913	930	949	1002	1024	1047	1082	1098	1093	1153	1154	1159	1194	1213	1207	1214	1234	1231	1275	1280	
		-21	16	-4	-17	-19	-53	-22	-23	-35	-16	5	-80	-1	-5	-35	-19	6	-7	-20	3	-44	15		
	Plus Applications received but not yet remitting							68			42		39	27		13									
								1002			1124		1132	1180	1167	equals projected metro total									





Jun-04	<b>MEMBERSHIP</b>	<b>AS OF END OF JUNE, 2004</b>		CHARTS						
1294										
		METRO	904	(-21)						
		REGIONAL	390	( - 6)						
		<b>TOTAL</b>	<b>1294</b>	<b>(DOWN 27 MEMBERS OR \$9126.00 PER ANNUM (gst excluded)</b>						



**DAVID SMITH**  
**Barrister & Solicitor**  
**5 Parkfield Street, Bunbury WA 6230**

*Postal Address:*  
**PO Box 393**  
**Bunbury WA 6231**

Tel: 08 9721 8299  
9721 8303  
Fax: 08 9721 8887

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Mr. Larry Powell  
AIRC  
Australian Industrial Registry  
GPO box 1994S  
Melbourne Victoria 3001  
[larry.powell@air.gov.au](mailto:larry.powell@air.gov.au)

11<sup>th</sup> March, 2005

Dear Mr. Powell,        **re: Western Australian Shire Councils, Municipal  
Road Boards, Health Boards, Parks,  
Cemeteries, and Race Course, Public  
Authorities Water Boards Union.**

I refer to your telephone call on the 7<sup>th</sup> March, 2005 and thank you for your assistance in this matter.

With respect to the numbers of members, the membership officer is extracting that information and I will send it on to you.

With respect to the Zones in the division, while there has been some activity in some zones, and delegates from some zones do attend Executive meetings, there seems to have been little adherence to the Rules.

It ought to be possible to break the Divisional Membership down into the zones nominated in the Rules, as the zones are broken down into recognised land divisions, except for the "Coastal Division" which I assume means the Coastal Districts outside the other zones, which probably means the South Coast from Albany or Hopetoun East.

It seems to me that the AEC needs to conduct all the elections that are based on a general or zone, plebiscite first, and then the National Council can choose the rest of the Executive.

However as there is likely to be only three delegates to the National Council, plus the Secretary, there will not be enough members on the National Council to elect a full Executive from their membership.

However as a quorum of Council only appears to be a bare majority, once the Union Council is elected, it should be possible to initiate amendments to the Rules.

In short I believe the AEC should proceed to held elections for all the plebiscite elections, including those for zone delegates, and the Union Secretary and one assistant, and the Divisional Secretary and one assistant, and the Divisional Delegates to the Union Council.

While the Union Executive will be missing a few positions initially, due to the numbers not being available from the Union Council, the Union Executive, and the Divisional Conference and Executive, should still be able to function, until the rules and constitution is changed by the Union Council.

I ask that in the interim we all approach the issues on the basis of what is practical and possible, as the Union Rules are what is making the issue difficult, but we cannot amend those until we have a properly convened Union Council.

What the whole exercise is about is democratising the Union, and making it more accountable to the membership, and while we all keep that as our objections, some flexibility should be allowed.

With best wishes,

Yours faithfully,



David Smith

Copy: Andrew Johnson  
C/- Box 183  
Leederville WA 6007

**DAVID SMITH**  
**Barrister & Solicitor**  
**5 Parkfield Street, Bunbury WA 6230**

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**PO Box 393**  
**Bunbury WA 6231**

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9721 8303  
Fax: 08 9721 8887

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Mr. Iain Stewart  
Statutory Services Branch  
Australian Industrial Registry  
GPO Box 1994S  
Melbourne Victoria 3001

1<sup>st</sup> March, 2005

Dear Sir,           **re: Western Australian Shire Councils, Municipal Road  
Boards, Health Boards, Parks Cemeteries, Race  
Courses, Public Authorities, and Water Boards  
Union.**

Please find enclosed a Notice, Request and Prescribed Information under  
Regulations 136-138.

The Interim Executive wish the necessary elections to be held as soon as  
they can be arranged.

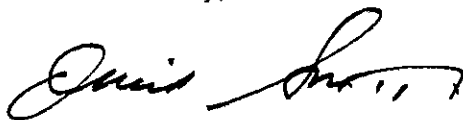
Can you please check the enclosed documents and advise whether they  
suffice to initiate the processes leading up to the elections.

If it was possible for the WAEC and the AEC to co-ordinate the elections for  
the above Union and the State Union, it would be appreciated.

If you have any queries or requisitions, please let me know.

With best wishes,

Yours faithfully,



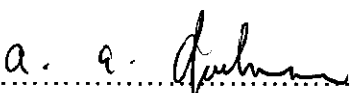
David Smith

NOTICE, REQUEST AND PRESCRIBED INFORMATION UNDER  
REGULATIONS 136-138

I, ANDREW GERARD JOHNSON formerly of 4 Peppermint Grove, Greenwood, in the State of Western Australia, but now of 41 Newcross Road, Kingsley, in the said State, hereby make the following statement:-

1. I have since it was first registered as a registered organisation with the A.I.R.C. been a Vice-President of the Western Australian Shire Councils, Municipal Roads Boards, Health Boards, Parks and Cemeteries, Race Courses, Public Authorities, Water Boards Union of 112 Charles Street, West Perth in the said State.
2. I am also the Acting Secretary of the said Union due to the ill health of the former Secretary Adrian Bennett.
3. I have had to assume this role because the said Adrian Bennett is no longer capable of doing so.
4. Attached hereto is a copy of an Order made on the 9<sup>th</sup> February, 2005 relating to the State Union which shares some offices and staff with the above Union, and of which Adrian Bennett was also Secretary.
5. Elections for the offices of the State Union are now being organized by the WA Electoral Commission.
6. I have been authorised by a meeting of the interim executive of the above Union to lodge the following Prescribed Information with a view to arranging for elections for all positions in the above Federal Union to be conducted by the Australian Electoral Commission under the auspices of the Australian Industrial Relations Commission.
7. I confirm that to the best of my knowledge and advice the following information is correct and complies with Section 189(i) of the RAO Schedule and Regulations 136 to 139.

Dated the 9<sup>th</sup> day of March, 2005.

  
.....  
ANDREW GERARD JOHNSON

SCHEDULE  
OFFICES AND POSITIONS

National Union Executive

1. President
2. Four (4) Vice-Presidents
3. Treasurer
4. Secretary
5. Assistant Secretary (1)
6. Trustees (3)

National Union Council

1. Three members representing the WA Division plus the Secretary of the WA Division.

WA Division Conference

1. Three members one of whom will be the Secretary of the WA Division.

WA Division Executive

1. Division President
2. Two Division Vice-Presidents
3. Treasurer
4. Secretary
5. Three Division Committee members

6. Three Division Trustees

Returning Officer

One for all of the above executives and Conferences.

Please Note

There is in my view no reason why a person may not nominate for and be elected to similar positions in each of the Division Executive, Division Council, National Executive and National Council but not to more than one position in each.

A. Reasons for Election

To remove any doubt as to who the legitimate holders of the above positions are at present, and to ensure that all positions are elected by a democratic and accountable process, and also to ensure that the Unions status is regularised in conformity with the requirements of it being a registered organisation with the AIRC.

B. Who is eligible to vote in the elections.

The WA Division and the National Division have the same membership.

It is proposed that all positions be elected by a direct election of all financial members of the National Union and WA Division.

C. Nominations to open.

Nominations for all positions should be opened at the earliest possible dates approved by the AEC and the Australian Industrial Registry.

D. Nominations to Close.

One month after they open.

E. Cut off date for roll.

Ten (10) days from when nominations open.

F. Other Requirements.

Any other conditions or elections or requirements that may be requested by the Australian Industrial Registry for the conduct of the elections and to ensure that the Union fully complies with all the legislative and registration requirements of a registered organisation.

..... a. a. Johnson .....  
Signed by Andrew Gerard Johnson  
on 13/3/2005



## WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

<b>PARTIES</b>	DAVID JAMES	<b>APPLICANT</b>
	-and-	
	WESTERN AUSTRALIAN MUNICIPAL, ROAD BOARDS, PARKS AND RACECOURSES UNION OF WORKERS	<b>RESPONDENT</b>
<b>CORAM</b>	HIS HONOUR THE PRESIDENT P J SHARKEY	
<b>DATE</b>	WEDNESDAY, 9 FEBRUARY 2005	
<b>FILE NO/S</b>	PRES 7 OF 2004	
<b>CITATION NO.</b>	2005 WAIRC 00224	

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<b>Decision</b>	Orders and Directions
<b>Applicant</b>	Mr D Smith (of Counsel), by leave
<b>Respondent</b>	Mr P W Nichols (of Counsel), by leave

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*Order*

This matter having come on for hearing before me on the 9<sup>th</sup> day of February 2005, and having heard Mr D Smith (of Counsel), by leave, on behalf of the applicant, and Mr P W Nichols (of Counsel), by leave, on behalf of the respondent, and the parties having achieved consent as to the orders sought, and the parties herein having waived their rights pursuant to s35 of the *Industrial Relations Act 1979* (as amended), it is this day, the 9<sup>th</sup> day of February 2005, ordered and directed as follows:-

1. THAT the audit be carried out by Tom Lane & Co and if this arrangement fails, by a firm of chartered accountants selected by the Registrar. The audit to be completed, if possible, within 28 days.
2. THAT the Western Australian Electoral Commission be appointed to conduct elections immediately for all positions on the Executive.

3. THAT an interim Executive be appointed to consist of Andrew Gerard Johnson, Andrea Ginette Ballantyne, Douglas White, David James, Barry Dyer, Stewart Barron, Raymond Barron, Neil Macaulay, Charles Higo with Trustees being Douglas White, John Maxwell and Angus Hutching but not Adrian Bennett or June Bennett.
4. THAT Adrian Bennett and June Bennett be prepared to act as consultants and to facilitate the transfer of authority to the interim Executive including the signatories to the bank accounts and the reopening of the premises at Charles Street but communication be between solicitors.
5. THAT the interim Executive undertakes to the Commission that:-
  - a) They only will do what is necessary to operate the union pending the election results.
  - b) The interim Executive will hold themselves accountable to the elected Executive for the interim Executive's actions.
6. THAT the interim Executive confine themselves to the following areas:-
  - a) the carrying out of these orders
  - b) the re-entry of the Charles Street premises and if necessary their sale
  - c) the engagement of the staff that they consider necessary
  - d) the delivery of day to day services to the membership
  - e) the payment of current debts and current expenses.
7. THAT the keys to the union premises at 112 Charles Street, West Perth be delivered to the applicant's solicitor on or before the close of business on Monday, the 14<sup>th</sup> day of February 2005.

8. THAT the parties to these proceedings will cooperate in arranging the new election for the federal union with similar arrangements as above including the interim Executive.
9. THAT the records of the state and federal union other than those required for the audit be returned to 112 Charles Street, West Perth within seven days and those required for the audit on completion of the audit.
10. THAT there be liberty to apply for such further orders or directions as may become necessary on 48 hours notice to the other party.

 (2005) P.13 SHARNEY

PRESIDENT