



Reference: N16/1

Mr Allan Barden
National Secretary
Australian Rail, Tram and Bus Industry Union

Via Email: abarden@rtbu-nat.asn.au; aclaassens@rtbu-nsw.asn.au;
hbyron@rtbu-nsw.asn.au; kauld@rtbu-nswbus.asn.au

Dear Mr Barden

**Australian Rail, Tram and Bus Industry Union
ARTBIU - Vacancies National and NSW Branch – E2015/303**

Fair Work Commission has made arrangements with the Australian Electoral Commission under Section 189 of the *Fair Work (Registered Organisations) Act 2009* (the Act) for me to conduct the above vacancy elections.

I wish to draw your attention to Regulation 145 of the *Fair Work (Registered Organisations) Regulations 2009*, which provides that where an election or ballot is conducted by the Australian Electoral Commission, no steps in the election may be taken by any person without the Returning Officer's authority or direction.

I also wish to draw your attention to Section 190 of the Act which reads as follows:

Section 190 – Organisation or branch must not assist one candidate over another
An organisation or branch commits an offence if it uses, or allows to be used, its property or resources to help a candidate against another candidate in an election under this Part for an office or other position.
Maximum penalty: 100 penalty units.

Section 190 is an offence provision of *the Act*. A contravention of Section 190 is also an irregularity.

If you have any questions about the operation of Regulation 145 or Section 190 do not hesitate to contact me.

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Timetable

The timetable for the elections will be:

Thursday, 28 January 2016	Returning Officer arranges Election Notice to be published on AEC website Union publishes Election Notice and nomination form on website
Thursday, 11 February 2016	Close of Roll
Friday, 12 February 2016	Roll delivered to Returning Officer
Thursday, 18 February 2016	Nominations Open
Thursday, 10 March 2016	Nominations Close at 5:00pm
Monday, 21 March 2016	Close of nominations withdrawal period at 5:00pm
Tuesday, 29 March 2016	Postal Ballot Opens
Tuesday, 19 April 2016	Postal Ballot Closes at 5:00pm

In case of a contest for the tram and bus division, an attendance ballot will be held on Thursday, 14 April 2016, for all members of tram and bus division nationally except in Victoria where the ballot will run for two days, 13 and 14 April 2016.

Notification to Members

The Union is required to have the Notice published on or just before 28 January 2016 in a Branch Journal/Newsletter/Bulletin to be circulated to members.

Please provide me with a copy of the publication. If possible, the Notice should also be placed on noticeboards in the workplace and on your website.

The Union is also required to have the enclosed Notice and nomination form published on that date on the Union's website and until Monday, 19 April 2016.

I will forward copy of the Election Notice calling for nominations for circulation throughout the electorate in the next few days.

Nomination forms

A copy of the nomination form is also enclosed. Please copy it for use by members as required.

Request to supply Register of Members Information

The Roll of Voters for the above election will be those members who are eligible to vote on Thursday, 11 February 2016.

As Returning Officer conducting elections for your Union, I request you to supply the following listings of members of the concerned Branch by the dates that are specified.

Listings

Dates for supply of listings

a) Name and member information (identified below), of every member who was financial at 11 February 2016 in accordance with the rules of the Union	12 Feb 2016
The names of members who:	22 March 2016
b) were inadvertently included on listing (a)	29 March 2016
c) were inadvertently omitted from listing (a)	5 April 2016
d) The names of members appearing on listing (a) who have ceased to be members by Thursday, 11 February 2016	12 April 2016
e) Any change of address details for members appearing on listing (a)	

Electronic listings

Lists must be provided electronically on cd computer disk. If you are unable to provide a computer disk, on a data stick or similar usb media.

Files are to be in CSV (comma delimited) *csv format. If you are unable to supply information in csv format, please supply it as an Excel file. Lists should not be emailed as Commonwealth Guidelines provide that classified information, including personal information, should not be transmitted by email.

Member Information

A record for each eligible member is to include the following twelve fields:

- Membership number,
- Member surname,
- Member full first name/s,
- Address line 1 (BUILDING NAME AND UNIT/FLAT/TOWNHOUSE NUMBER),
- Address line 2 (STREET ADDRESS OR PO BOX),
- Address line 3 (CITY/TOWN),
- STATE (Aust Post Abbrev),
- Postcode,
- COUNTRY (OUTSIDE AUST ONLY)
- Electorate Code (see below)
- "Incorrect last known address" code (see below)
- "Workplace Address" Code (see below)

Electorate code

For each member listed, include a field identifying the relevant Electorate. The main listing is to be accompanied by an explanatory table for the codes if they are not self-evident.

Incorrect last known address

Please include in the listings a field for "Incorrect Last Known Address". If you have eligible members with a last known address thought to be incorrect, you should code those members as "Y" or "Yes" in this field.

Workplace addresses

Please include in the listings a field for "Workplace Address". If you have eligible members with only a workplace address, you should code those members as "Y" or "Yes" in this field.

Certification of Lists

Each listing must be accompanied by a certificate signed by you in the following terms:

"I certify that the accompanying listing on computer disk or similar media contains the (include appropriate details, i.e. (a), (b), (c), (d) or (e) above). I further declare that the register of members has been maintained as required by Section 230(2) of the Fair Work (Registered Organisations) Act 2009.

The total number of eligible members listed is (include figure)."

I further direct that the listings and certificates as described above be supplied to me NO LATER THAN 12 noon on the dates specified.

Confidentiality of Information

Regulation 131 of *the Regulations* requires that the Returning Officer must make a copy of the roll available for inspection and copying by members, and other persons authorised by the Returning Officer. However, sub-regulation 6 provides:

(6) If a copy of a roll, or a copy of part of a roll, is made or supplied under this regulation, a person must not use information in the roll for a purpose other than:

- (a) a purpose in connection with the election; or
- (b) to monitor the accuracy of the information contained in the roll.

Penalty: 10 penalty units.

If you do not want these documents to be made more broadly available than specified in sub-regulation 131(6), you should advise in your certification as follows:

"I confirm that the above listing is to be treated "In Confidence" for purposes of this particular ballot only and is not for general distribution."

Access to documents held by the Australian Electoral Commission, including data/computer files, may be requested under the Freedom of Information Act. Such requests are considered on a case by case basis. Therefore notating documents as "confidential" or "in confidence" may not necessarily prevent the documents from being released.

To comply with the Privacy Act 1988 I would also ask that you only include in the listings personal information about members that is specifically requested in this letter.

If you have any queries or concerns regarding the above please do not hesitate to contact me.

Yours sincerely



Noopur Madan
Returning Officer

6 January 2016