

6 May 2019

Post-election report

**Australian Rail, Tram and Bus Industry Union
Scheduled Election – E2018/81**

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Election(s) Covered in this Report

Organisation: Australian Rail, Tram & Bus Industry Union
Election Decision Number(s): E2018/81

Rules

Rules used for the election: [139V: - Incorporates alterations of 23/04/2018 in matter R2017/282]

Rules difficult to apply/interpret: Rule 75 (xxiv) requires the Returning Officer (RO) to conduct a Further Recall ballot 12 months after the first recall ballot is declared if there were no nominations received. A new Decision would be required according to the provisions of the *Fair Work (Registered Organisations) Act 2009*. (the Act).

Model Rule reference (if any): N/A
For more details see the Model Rules on the AEC website:
(https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

Roll of Voters

Total number of voters on the Roll: Please see attachments Declaration of Results for contested offices for various branches

Number of apparent workplace addresses:

Number of non-current addresses: as above

Other matters pertaining to the roll of voters: as above

Irregularities

Details of written allegations of irregularities, and action taken by AEC: A number of issues were detected for the NSW branch when the ballot opened. Action was taken to correct all irregularities before the results were declared. See Other Matters section for details.

Other irregularities identified, and action taken: None

Other Matters

Returning Officer actions required (Section 193): Yes

1. The ballot paper for NSW Branch Secretary had an incorrect work location for one candidate and incorrect date for returning ballot papers on some of the ballot papers issued. The AEC did not conduct a fresh ballot for this election as the irregularity is not one that would attract the operation of subsection 200(2) of the Fair Work (Registered Organisations) Act 2009.
2. Instruction on how to complete the ballot paper were incorrect on one ballot paper for National Divisional Delegates to the National Council from the NSW branch Locomotive Division. This may have affected the result. The ballot was set aside and fresh ballot conducted.
3. A number of voters incorrectly received ballot papers for the NSW branch Rail Operations Division - National Divisional Delegates to National Council Metropolitan District and Locomotive Division ETR /Railcorp Group 2 Sub Divisional Representative on Branch Divisional Committee. This may have affected the result. The ballot was set aside and fresh ballots conducted.
4. One nomination for the office of NSW Branch Divisional Delegates, Metropolitan District, Rail Operations Division, prohibited under the rules, was wrongly accepted. This may have affected the result. The ballot was set aside and fresh ballots conducted.
5. One nomination for the office of Branch Divisional Secretary and Sub-Divisional Representative on Branch Divisional Committee, Leichhardt depot, Tram and Bus Division, was wrongly rejected by the Returning officer. The nomination was subsequently accepted by the Returning Officer. This may have affected the result. The ballot was set aside and a fresh ballot conducted for both offices with the additional candidate.
6. The roll of voters for Depot Sub Division Secretary, Hornsby Maintenance Centre, Train Guards Sub Division, NSW Rail Operations Division, was incomplete and not all eligible voters received a ballot paper. The ballot was set aside and a fresh ballot conducted.

Signed

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Australian Electoral Commission
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6 May 2019

Attachments

1. ARTBIU Declaration of Results National Offices contested
2. ARTBIU Declaration of Results National Offices Uncontested
3. ARTBIU NSW Branch Declaration of Results contested offices
4. ARTBIU NSW Branch Declaration of Results Uncontested offices
5. ARTBIU NSW Branch Declaration of Results fresh ballots
6. ARTBIU NSW Branch Recall Declaration of Results Uncontested offices
7. ARTBIU NSW Branch Declaration of Results Stage 2
8. ARTBIU VIC Branch Declaration of Results contested offices
9. ARTBIU VIC Branch Declaration of Results Uncontested offices
10. ARTBIU VIC Branch Declaration of Results Uncontested offices Recall
11. ARTBIU VIC Branch Declaration of Results Uncontested offices Tram & Bus Division
12. ARTBIU VIC Branch Declaration of Results Contested offices Tram & Bus Division
13. ARTBIU Tasmanian Branch Declaration of Results contested offices
14. Declaration of results for contested office Tasmanian Tram & Bus Division E2018-81
15. ARTBIU Tasmanian Branch Declaration of Results Uncontested offices E2018-81
16. ARTBIU Tasmanian Branch Declaration of Results Uncontested offices Tram & Bus Division
17. ARTBIU Tasmanian Branch Declaration of Results contested offices Recall
18. ARTBIU QLD Branch Declaration of Results Contested and Uncontested offices
19. ARTBIU QLD Branch Declaration of Results Recall
20. ARTBIU SA/NT Branch Declaration of Results Uncontested offices
21. ARTBIU SA/NT Branch Declaration of Results Recall
22. ARTBIU WA PTA Branch Declaration of Results contested offices
23. ARTBIU WA PTA Branch Declaration of Results Uncontested offices
24. ARTBIU WA Branch Declaration of Results contested offices
25. ARTBIU WA Branch Declaration of Results Uncontested offices
26. ARTBIU WA PTA Branch Declaration of Results Uncontested offices Stage 2
27. ARTBIU WA PTA Branch Declaration of Results Contested offices Stage 2
28. ARTBIU WA Branch Declaration of Results Uncontested offices Recall Election
29. ARTBIU VIC Branch Post election report
30. ARTBIU SA NT Branch Post election report
31. Consolidated Post-Election Report ARTBIU Scheduled Election E2018/81

