



Reference: ANCTJ 2023/128

Mr Mark Diamond  
National Secretary  
Australian Rail, Tram and Bus Industry Union  
5.01, LEVEL 5 377 SUSSEX STREET  
SYDNEY NSW 2000

Email: [mdiamond@rtbu.org.au](mailto:mdiamond@rtbu.org.au)

Dear Mr Diamond

**Australian Rail, Tram and Bus Industry Union  
Insufficient Nominations Election  
E2022/65**

The Registered Organisations Commission has made arrangements with the Australian Electoral Commission (AEC) under Section 189 of the *Fair Work (Registered Organisations) Act 2009 (the Act)* to conduct the above election.

**Timetable**

The timetable for the election will be:

Date	Occurrence
20/01/2023	Close of Roll
23/01/2023	List of eligible members delivered to Returning Officer
27/01/2023	Returning Officer publishes Election Notice and Nomination Form via Website and email
27/01/2023	Organisation requested to publish Election Notice and nomination form via Organisation circular
27/01/2023	Nominations Open
17/02/2023	Nominations Close at 5:00pm (Australian Eastern Daylight Time (AEDT))
17/02/2023	Candidate Statements to be lodged by 5:00pm (Australian Eastern Daylight Time (AEDT))
24/02/2023	Nomination withdrawal period closes at 5:00pm (Australian Eastern Daylight Time (AEDT))
17/03/2023	Postal Ballot Opens
14/04/2023	Postal Ballot Closes at 5:00pm (Australian Eastern Standard Time (AEST))

**Notification to Members**

I will arrange an Election Notice and Nomination Form to be published via AEC Website on 27/01/2023. I will also email all eligible members.

The Organisation is requested to have the enclosed Notice and Nomination Form published via Organisation website from 27/01/2023 and until 14/04/2023.

### 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 of the branch financial as at 20/01/2023 who are eligible to nominate in the relevant electorates as per the Election Notice.

As the Returning Officer, I request you supply the following listing(s) of members of the Australian Rail, Tram and Bus Industry Union by the dates that are specified:

Listing	Date Required
(a) Name and member information (identified below), of every member who was financial at 20/01/2023 in accordance with the rules of the Organisation	23/01/2023
(b) Update(s) listing members who: i. were inadvertently included on a listing ii. were inadvertently omitted from a listing who are eligible iii. have changed name, address or any other personal details iv. have changed electorate/s <b>PLEASE NOTE:</b> any deletions [b (i)], additions [b (ii)] or electorate changes [b (iv)] must be updates to the roll as at 20/01/2023. Updates which occur after this date cannot be accepted and so, should not be provided, except where they are changes relating to b (iii) above.	19/02/2023
(c) The names of members appearing on a listing who have ceased to be members by 17/03/2023.	The day before the Ballot opens.
(d) Any change of address details for members appearing on listing (a) and not provided on 19/02/2023	08/03/2023

### Electronic listings

Organisations are requested to submit data and documents electronically via the AEC Electoral Event Portal. A link to the portal can be found on the AEC website ([www.aec.gov.au](http://www.aec.gov.au)) under Elections, Industrial elections and ballots.

The List of Members is to be supplied 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

Name and member information (identified below) of every member, eligible to be included in the electorate/s for the election, who was financial at 20/01/2023 in accordance with the rules of the Organisation.

A record for each eligible member is to include the following information in separate fields:

- Membership number,
- Member surname,

- Member (full) first name/s,
- Email
- 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 and provide an explanatory table for the codes.

### **Incorrect last known address**

Please include in the listing(s) 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 listing(s) 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 – otherwise, leave the field blank.

### **Certification of Lists**

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

"I certify that the accompanying listing contains the (include appropriate details, as per the text in (a), (b), (c), or (d) 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 number] at 20/01/2023."

The listings and certificates as described above must be supplied to me by NO LATER THAN 12:00pm on the date(s) specified.

### **Confidentiality of Information**

Regulation 131 of the *Fair Work (Registered Organisations) Regulations 2009* (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.*

### **Other Legislative Provisions**

I wish to draw your attention to the following:

- Regulation 145 of the Regulation which provides that, where an election or ballot is conducted by the AEC, no steps in the election may be taken by any person without the Returning Officer's authority or direction.
- Section 190 is an offence provision of the Act and a contravention of it constitutes an irregularity. Section 190 of the Act states:

*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.*

If you have any queries or concerns regarding any of the above please do not hesitate to contact me on IEEvents@aec.gov.au or 03 9285 7111.

Yours sincerely

Amit Kumar  
Returning Officer  
Australian Electoral Commission

13/01/2023