

Australian Federated Union of Locomotive Employees

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Circular: 08/20
Ref: Post Election Report
20.01.2020

Dear members,

Late last year the AFULE conducted elections for State representatives and local sub branch positions. On 16 December 2019 we received a letter from the Registered Organisation Commission, in relation to the AEC Election Report outlining that two of the AFULE Federal Rules were difficult to interpret or apply. The relevant part of the report is extracted here:

Rules

Rules used for the election: [009Q: Incorporates alterations certified on 27/08/2019 in matter R2019/99]. Replaces rulebook dated 26/06/2018 in R2018/134

Rules difficult to apply/interpret: Rule 23 (3) There is currently no differentiation between State positions and Divisional Council positions. Recommend creating a new sub point to define the seniority order of States positions.

Rule 23 (5) Recommend rewording this rule to state:
'Positions at the Divisional and Sub Branch levels, including a Trustee, may be held simultaneously by any elected member, other than the State Secretary'

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

As a result of the notification from the ROC & AEC the AFULE has given an undertaking to the ROC, on the 10th January 2020 to alter our rules to clear any ambiguity AFULE responded per the below.

Traincrew Representing Traincrew

We understand under Section 198(1) of the Fair Work (Registered Organisations) Act 2009 ("the Act") The AFULE must give the AEC a written response to the issues raised within 30 days of the report being provided to us.

I wish to advise you in relation to r. 23(3) the Federal rules of the AFULE will be amended and put in place to define the seniority order of State positions prior to the next union election to be held in 2022. I am currently seeking legal advice in relation to the best way to amend r.23(3) and would be happy to provide the particulars of that change once they are determined.

Further, I wish to advise it is the AFULE's intention to adopt the AEC's recommended change to r. 23(5) and amend the Federal rules to that effect prior to the next union election in 2022.

We will work to have these rules altered in the very near future and will notify members once this transition commences.

As notified in circular 124/19 a full copy of the AFULE post-election report is available to members upon request.

Please contact your state office by telephone on 07 3844 9163 or by email at statesecretary@afule.org.au for any further information

In solidarity,



Michael McKittrick
AFULE State Secretary