



9 August 2018

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Noopur Madan
AEC Senior Returning Officer
Industrial & Commercial Elections | NSW State Office
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PER for CEPU - Election of Assistant Divisional Secretary - E2017/109

I refer to the above election and your written report of 11 July 2018 regarding that election.

Section 198 of the *Fair Work (Registered Organisations) Act 2009* ("the Act") requires that if an organisation is given a Post-Election Report under section 197 of the Act that identifies a rule that was difficult to interpret or apply, the organisation must, within 30 days, give a written response to the Australian Electoral Commission (AEC) on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

In the written report of 11 July 2018 the AEC identified rules that were difficult to interpret or apply. In that report the AEC stated:

The office was created by a determination in accordance in accordance with sub-rule 9.5.1 on 11 April 2017, and the term of office, in accordance with sub-rule 9.5.4, would end at the next quadrennial election (2019) following the filling of the office.

Rules not clear on how to conduct the election. Rule 9.5.2 refers to filling the office of Assistant Divisional Secretary; "where the position is to commence prior the next Quadrennial Election by collegiate election of the Divisional Council conducted in accordance with rule 15.18."

However, rule 15.18 does not list this office, making it difficult for the Returning Officer to apply and interpret rules and conduct the election.

The office is listed under rule 15.19 which refers to a direct election to fill this office when it is a quadrennial scheduled election.

Rules regarding election for this particular office should be amended to reflect whether it is to be either via a direct or collegiate method and outline the process clearly.

The organisation notes the issues raised by the AEC and advises that it intends to alter the rules of the organisation to clarify the process for such elections.

Yours faithfully

A handwritten signature in black ink, appearing to read 'AL AL', is written over a white rectangular area.

Allen Hicks
DIVISIONAL SECRETARY