

**National Office**

a. 388-390 Sussex St, Sydney NSW 2000

t. 02 8114 6500

ABN 18 559 030 246



[www.twu.com.au](http://www.twu.com.au)

National Secretary

**Michael Kaine**

27 March 2019

Chris Cox  
Senior Returning Officer  
Industrial & Commercial Elections  
Australia Electoral Commission

Dear Ms Cox

**Re: Post-election Report – Transport Workers' Union of Australia, E2018/141**

We write with regards to the above and in particular in response to rules that you identified during this election that were 'difficult to interpret or apply' in accordance with our statutory obligations under ss 198(1) and (2) of the *Fair Work (Registered Organisations) Act 2009 (RO Act)*.

You have identified Rule 60(5I) of the TWU Rules as having been difficult to interpret and/ or apply. We note that there was some debate about the interpretation of this rule during the nomination period of the recent Branch elections. We further note that you have not made reference to any Model Rules which could assist us in addressing this matter.

As such, we intend to consider the application of this rule at future National Committee of Management meetings. This is the Union's Executive Committee made up of the National Secretary, National Assistant Secretary, National President, National Vice-President and each Branch Secretary. Among other things such consideration will obviously involve seeking expert legal advice, which will likely include Senior Counsel. This will no doubt take some time, resources and consideration.

Once this process has taken place, the National Committee of Management will make recommendations to our National Council, which under our Rules has supreme control of the Union. Any recommendation to amend Rule 60(5I) will then have to go through the process of amendment in accordance with TWU Rules.

While the above process will no doubt take some time, we note that Rule 60(5I) only applies for the purposes of a "Team Nomination" during quadrennial elections. Any other elections that may be held outside of this period, such as an election due to a casual vacancy, will not invoke this Rule. As the next quadrennial election will not be held until the second half of 2022 we believe that the actions outlined above are appropriate in all of the circumstances.

We will post a copy of the relevant extract of the Post-election report on our website as well as this response. We will also publish on our website a notice that a copy of the

Post-election report is available on request of a member who was eligible to vote in the election from the TWU or AEC.

We would be more than happy to keep you updated with this process if you wish and as such please don't hesitate to contact the undersigned.

Yours faithfully

A handwritten signature in black ink, appearing to read 'N. McIntosh', with a stylized flourish at the end.

**Nick McIntosh**  
**Assistant National Secretary**