

Transport Workers' Union of Australia

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National Secretary
Michael Kaine

25 May 2020

Kelly Brignall
Project Officer
AEC

By email

cc: Registered Organisations Commission

Dear Kelly

Re: Response to Post Election Report E2020/36

We write with regards to the above and note that the Returning Officer was required to take action under s 193 of the *Fair Work (Registered Organisations) Act 2009*. In particular, the Returning Officer was unable to comply with r 58(4) of the TWU Rules which involves the Returning Officer calling for nominations during the first session at our annual National Council. Due to the Covid-19 pandemic, the annual National Council was held over Zoom and AEC restrictions did not allow the Returning Officer to joining the first session over Zoom. Instead, nominations were asked for prior to the meeting via email.

Our belief is that this is an issue only applying in the current extraordinary circumstances surrounding the Covid-19 pandemic where our National Council was unable to physically meet. Our National Council, as the supreme decision making body of our union, is usually a physical meeting which lasts for four days, has occurred every year in living memory and we have not had any issues with this rule up to this point.

Given this irregularity has only arisen given the extraordinary circumstances we find ourselves in, we do not believe that a change in our Rules is necessary to deal with this issue.

Please do not hesitate to contact the undersigned should there be anything further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'N. McIntosh', with a horizontal line through it.

Nick McIntosh
Assistant National Secretary