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AUSTRALIAN EDUCATION UNION

Victorian Branch

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8 August 2016

Danielle Paterson
Manager, Industrial and Commercial Elections
Australian Electoral Commission
VIC State Office

By email — Danielle.Paterson@aec.gov.au; industrial.elections@aec.gov.au

Dear Ms Paterson

Post-election Report for the Australian Education Union E2016/61

I refer to your post-election report dated 1 July 2016, which we received by email on 9 July 2016.

I note that you identify rule 52(6)(d) of the Rules of the Victorian Branch of the AEU as a "difficult rule", though I understand that the intended reference is to rule 50(5)(d) (**Difficult Rule**), which provides:

"Nominations for the positions of ordinary members of sector councils shall ... be delivered to the Branch Returning Officer at the registered office of the Branch not later than 12.00 noon on the first Friday in September."

Pursuant to section 198(2) of the Fair Work (Registered Organisations) Rules 2009 (Cth) (**FW(RO) Act**), I wish to inform you that the Victorian Branch of the AEU has amended the Difficult Rule at its most recent Branch Conference to be held in 30 July 2016. The amendment is in the process of being filed with the Fair Work Commission. The amendment provides the following sub-rule to rule 57:

"(3A) For the avoidance of doubt (and notwithstanding anything else contained in these Rules), where in these Rules a nomination is required to be delivered to the Branch Returning Officer and the Australian Electoral Commission acts as the Branch Returning Officer, delivery shall be effected by means which include the following:

- (a) Physically delivering the document to, or an office of, the Branch Returning Officer;
- (b) Sending the document by post to, or an office of, the Branch Returning Officer;
- (c) Emailing the document to, or an office of, the Branch Returning Officer (provided that the sender retains a copy of the document to be produced on request to the Branch Returning Officer); or
- (d) Sending the document by facsimile transmission to, or an office of, the Branch Returning Officer (provided that the sender retains a copy of the document to be produced on request to the Branch Returning Officer)."

The AEU will make available this response to members in accordance with section 198(3) of the FW(RO) Act.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Robertson', with a long horizontal flourish extending to the right.

Gillian Robertson
Victorian Branch Secretary
Australian Education Union