

25 July 2017

Barry McGlynn

Returning Officer

Australian Electoral Commission

Dear Barry

**Re: Post-election Report E2014/279 and E2017/37**

Thank you for the post-election reports received by email on 28 June 2017. The Branch's responses to the matters raised are provided below.

**E2014/279**

**Stage 1 – 2015**

Branch Rule 45d

This rule has been changed to 'The Branch Executive will, subject to this rule, determine when a Branch Industry Division Conference will be held.' The elections for the following positions have now been completed. However, the Branch Industry Division Conference (Public Service) did not decide on the size of the Industry Division Executive (Public Service). Hence the positions of Branch Industry Division Executive Member (Public Service) remain vacant.

1. Branch Industry Division Executive Member (Public Health); and
2. Branch Industry Division Executive Member (General)

**STAGE 2 – 2017**

1. National Rule 40. b ii

There is no need for wider newspaper advertising as per the quadrennial elections as only electoral college members need to be notified. The fact that the Branch notified all members of the electoral college: Branch Conference delegates; by email and post and published a notice on the branch website was sufficient and this is acknowledged in the Report. At National Rule 41 e i the RO shall call for nominations from eligible members of the College; and in previous collegiate elections this has been sufficient for the RO to arrange for appropriate 'advertising' of the election.

**The ASU National office has advised the Branch it is reviewing the drafting of National rule 41 e to provide express notification/advertising about collegiate elections to electoral college members.**

2. National Rule 39 and 40

The AEC's previous conclusions were correct i.e. there are no contrary national 'statements'/rules.

The ASU believes the nomination provisions that apply at the quadrennial elections (Rule 31 of the Branch Rules) for collegiate elections should also apply for the filing of casual vacancies in collegiate elections.

The ASU believes PART VII- ELECTIONS covers the processes the Returning Officers must use in all ASU National or Branch elections. In particular National rule 39 - Eligibility of candidates and National Rule 40 - Nomination of Candidates are requirements that must be met before National Rule 41 is applied in relation to Procedures at Election. The lack of any express reference to financiality and requirement for candidates to be nominated by two other members in National Rule 41e Procedure at elections does not, in the ASU's view, override the specific prerequisites of National rule 39 and 40.

3. National Rule 41 e and Branch Rule 32 c

The Branch Executive endorsed the provision in Branch Rule 32 (c) for the collegiate elections to be conducted by way of secret postal ballot.

The Branch was able to conduct a secret postal ballot as its preferred option based on the precedent of previous AEC Rulings relied on by the DRO.

**The ASU National office has advised it is reviewing Rule 41 e to provide the option of a postal/email vote in collegiate elections.**

4. Branch Rule 31 a and Rule 33 b

The Branch does not believe there is a need for further action on these rules as per the Report conclusion.

5. Branch Rule 41 c ii

The Branch does not believe there is a need for further action on these rules as per the Report conclusion.

6. National Rule 41 5 d ix

The Branch will raise the matter of 'strike out ballots' versus 'place an X next to the name of the candidate or candidates' with the ASU National Office and seek conformity.

**Other Matters**

The Branch will ask the ASU National Office to consider including a rule about candidate photos and statements in the National Rules.

**E2017/37**

All the matters raised by the DRO under E2017/37 have already been covered under E2014/279.

Yours faithfully



Alex Scott  
Branch Secretary