

25 February 2020

**Ms Catherine Bernoth**

Returning Officer – Industrial and Commercial Elections NSW State Office  
Australian Electoral Commission  
Level 10 59 Goulbourn Street  
Haymarket NSW 2000

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**Post-Election Report E2019/211**

I refer to your post-election report dated 20 February 2020.

I am aware that the AFPA is required to give a written response to the Report within 30 days of receipt of it, in accordance with Section 198 of the Fair Work (Registered Organisations) Act 2009 ('the RO Act').

I will ensure that the Report and this response to that Report will be provided to members by publication on the AFPA website for a minimum period of three months from 28 February 2020. Additionally, a copy of the Report and response will be made available to the Registered Organisations Commissioner.

I note your observation relating to the withdrawal of nominations.

The AFPA has a National Council meeting scheduled for 24 March 2020 the following new rule is proposed to address the issue identified:

*95(5)(bA) Nominations may be withdrawn up to and including 5 working days after the time and date the Returning Officer has declared that nominations shall close. The withdrawal of such nomination shall be in the form determined by the Returning Officer and shall be signed by the nominee.*

Yours Sincerely,



**Adrian Smith,**  
Branch Secretary/Treasurer