

22 December 2021

Post-election report

**Communications, Electrical, Electronic,
Energy, Information, Postal, Plumbing
and Allied Services Union of Australia**

NSW Telecommunications and Services
Branch

Insufficient Nominations election

E2021/174

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Election(s) Covered in this Report

Organisation: Communications Division
Election: Insufficient Nominations
Election Decision No/s: E2021/174

Rules

Rules used for the election: [128V-COM: - Incorporates alterations of 5 May 2020 certified in matter R2020/21] Replaces 27 September 2018 [R2018/226] version)

Rules difficult to apply/interpret: No

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Other Matters

Returning Officer actions required (Section 193): Yes
Details:

Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.

Rules specifying the method of lodgement of nominations were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for potential candidates to nominate. Instead nominations were received electronically, via email/the AEC's portal.

Signed

Kathleen Cassar
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 08 8237 6555
22 December 2021

Attachments

A. Declaration of Results for Uncontested Offices – NSW

**Communications, Electrical, Electronic, Energy,
Information, Postal, Plumbing and Allied Services Union of
Australia - Electrical, Energy and Services Division**
DECLARATION OF RESULTS - E2021/162
Uncontested Offices

Scheduled Election

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

Divisional Council

Divisional President (1)

Candidates

GRAY Troy

Divisional Vice President (2)

Candidates

ANDERSON Michael

ONG Peter

Divisional Executive Member Victoria (3)

Candidates

BALTA Ivan

FILAZZOLA Daniel

GRAY Troy

Divisional Executive Member Queensland (2)

Candidates

MCKENZIE Keith

ONG Peter

Divisional Executive Member New South Wales (2)

Candidates

HICKS Allen

POTTER Glen

Divisional Executive Member Western Australia (1)

Candidates

CARTER Peter

Divisional Executive Member South Australia (1)

Candidates

ADLEY John

Divisional Executive Member Tasmania (1)

Candidates

ANDERSON Michael

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.

Kathleen Cassar
Returning Officer
Telephone: 08 8237 6555
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22/12/2021





DECISION

Fair Work (Registered Organisations) Act 2009
s.189—Arrangement for conduct of an election

**Communications, Electrical, Electronic, Energy, Information, Postal,
Plumbing and Allied Services Union of Australia**
(E2021/162)

MR STEENSON

SYDNEY, 31 AUGUST 2021

Arrangement for conduct of election.

[1] On 11 August and 26 August 2021 the Electrical, Energy and Services Division (the **Division**) of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union (the **Organisation**) of Australia lodged with the Registered Organisations Commission (the **Commission**) prescribed information for an election to fill the following offices for a new term of office:

Divisional President (1)

Divisional Vice President (2)

Divisional Executive Members from the following Branches:

Victoria (3)

Queensland (2)

New South Wales (2)

Western Australia (1)

South Australia (1)

Tasmania (1)

[2] I note that on 20 May and 1 July 2020, the organisation lodged prescribed information (in matter **E2020/84**) for an election for Division offices, which are the same offices sought in this election matter, **E2021/162**. On 8 July 2020, the Organisation advised the Commission of its withdrawal of the prescribed information in **E2020/84**, noting that submission of a rule alteration application to the Fair Work Commission (FWC) proposing alterations to rule 15 (Elections) of Section B of the Divisional rules was imminent.

[3] On 10 July 2020, the rule alteration application (R2020/95) was lodged with the FWC and was certified by the FWC on 23 July 2020¹. The effect of the rule alteration was to vary the

¹ [2020] FWCD 3656

frequency of elections, and the length of terms of office, from a one year term to a four year term. The offices for which election is sought in this matter, E2021/162 (and in E2020/84 previously) are among the offices affected by the rule change. Relevantly, the rules also provide for a transitional term of office to apply until the 2023 quadrennial election).²

[4] It is noted that on 16 September and 17 October 2020, the organisation lodged a further rule alteration application with the FWC (R2020/149 and R2020/165) seeking alterations to Section B of the Divisional rules, in particular rule 7 (Divisional Council), and a further alteration to rule 15 (Elections).

[5] On 3 November 2020, that application was certified by the FWC³. The effect of those alterations, in particular to sub-rule 7.5 (Annual Meetings of Divisional Council), is that the Divisional Council may determine to hold the annual meeting of the Divisional Council (known as the Divisional Conference)⁴ at a later time than previously prescribed under the Divisional rules, in circumstances where the happening or likely happening of a ‘critical event’ may render the programming of the Divisional Conference practically or administratively impossible.⁵ This alteration to sub-rule 7.5 has sought to remedy the difficulty that the organisation faced in arranging for the in-person meeting of members of the 2020 Divisional Conference due to the COVID-19 pandemic, at which the collegiate election of offices was required to be held.

[6] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE COMMISSIONER

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² Sub-rule 15.5.2 and sub-rule 15.5.3 rules certified 23 July 2020 (R2020/95)

³ [2020] FWCD 5495

⁴ Sub-rule 7.5.1 Section B Divisional rules certified 3 November 2020 (R2020/149 and R2020/165)

⁵ [2020] FWCD 5495 at paragraph 3

AMENDED PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009

I, Allen Hicks, being the Divisional Secretary of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, Electrical, Energy and Services Division, (the Division), make the following statement:

1. I am authorised to sign this statement containing amended prescribed information for the Division.
2. The following information is lodged under section 189(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act);
3. The elections that are required are set out in the table in Annexure A;
4. No rule alterations are pending that will impact the election; and
5. This statement is lodged at least 2 months before nominations open for the elections below.
6. The number of elected representatives to be elected by each Branch to the Divisional Executive is calculated in accordance with a formula defined in the rules. The rule numbers, positions, the formula and relevant information, including the relevant date, are as follows:
The calculations supporting the number to be elected are set out in Annexure B.

Office	(a) Rule; and (b) Formula for determining numbers	(c) Information for calculating the formula	(d) Relevant date for determining numbers	Number to be elected
Divisional Executive member	<p>8.2 Election to the Divisional Executive</p> <p>8.2.1 Each Divisional Branch shall be entitled to representation on the Divisional Executive by one Executive member who shall be a member of the Divisional Branch he/she represents. The Divisional President and Divisional Vice Presidents shall be deemed to represent the Divisional Branch of which they are members and the Divisional Secretary and the Affirmative Action (Women) Councillor shall be deemed not to represent any Divisional Branch.</p> <p>8.2.2 Provided that any Divisional Branch having in excess of 10% of the membership as calculated under sub rule 7.3.3 "Election to Divisional Council", shall be entitled to one additional Executive member for each additional 10% of the membership of the Division possessed by that Divisional Branch.</p> <p>7.3.3 For the purpose of determining the number of members of a Divisional Branch at meetings of the Divisional Council, the income recognised in the audited statement of comprehensive income less impairment of receivables in respect of membership contributions and entrance fees of such Divisional Branch for the preceding year, as expressed in dollars, shall be divided by the dollar amount charged by the Divisional Branch in the preceding year as the annual subscription rate for adults employed as tradespersons or in classifications receiving equal to or in excess of a tradesperson's rates of pay.</p>	The relevant information for calculating the formula to determine the number of Executive members for each Branch is set out in Annexure B.	31 December 2020 (rule 8.2, 7.3.3)	One for each Branch plus one additional Executive member for each branch for each additional 10% of members

Signed: 

ALLEN HICKS

Dated: 26 August 2021

ANNEXURE A

- Elections that are required:

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
<i>Electrical Energy & Services Division</i>	<i>Divisional President</i>	1	<i>Collegiate</i>	<i>Scheduled</i>	<i>Divisional Council (Section B rule 15.5.2; 15.18)</i>
<i>Electrical Energy & Services Division</i>	<i>Divisional Vice President</i>	2	<i>Collegiate</i>	<i>Scheduled</i>	<i>Divisional Council (Section B rule 15.5.2; 15.18)</i>
<i>Electrical Energy & Services Division</i>	<i>Divisional Executive Member</i>	<p><i>Number determined in accordance with Section B rule 7.3.3 and 8.2 for each Branch as follows:</i></p> <ul style="list-style-type: none"> • <i>Victorian Branch – 3</i> • <i>Queensland Branch – 2</i> • <i>New South Wales Branch – 2</i> • <i>South Australian Branch – 1</i> • <i>Western Australian Branch – 1</i> • <i>Tasmanian Branch - 1</i> 	<i>Collegiate</i>	<i>Scheduled</i>	<i>Divisional Councillors representing the relevant branch (Section B rule 15.5.3; 15.18)</i>

- IMPORTANT DATES:**

	Direct Voting System	Collegiate Electoral System
Nominations OPEN		Due to difficulties in conducting the attendance ballot at the opening of the postponed and yet to be re-scheduled annual Divisional Conference, nominations will open at a time to be determined by the Returning Officer in conjunction with the Division. (Section B rules 7.5.1;15.5.4, 15.18.1)
Nominations CLOSE		Due to difficulties in conducting the attendance ballot at the opening of the postponed and yet to be re-scheduled annual Divisional Conference, nominations will close at a time to be determined by the Returning Officer in conjunction with the Division. (Section B rules 7.5.1;15.5.4, 15.18.1)
Roll of Voters cut off date		As determined by Section B rule 15.16