

23 March 2022

Post-election report

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

CEPU - Western Australian Divisional
Branch, Electrical, Energy and Services
Division

Insufficient Nominations election
E2021/179

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Election(s) Covered in this Report

Organisation: CEPU - Western Australian Divisional Branch, Electrical, Energy and Services Division
Election: Insufficient Nominations
Election Decision No/s: E2021/179

Rules

Rules used for the election: [128V-ELE: Incorporates alterations certified on 16 December 2021 in matter R2021/101]
(replaces 3 November 2020 [R2020/149 and R2020/165] 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/

Roll of Voters

- There were no concerns in the construction of the Roll of Voters
- There are no concerns in the data provided by the organisation

Other Matters

Returning Officer actions required (Section 193): Yes

Rule of the Organisation states that the ballot shall open no later than four weeks after the close of nominations and shall close 21 days thereafter. As the timing of the election has been affected by the Covid-19 and delays with Australia Post, the Returning Officer will apply subparagraph 193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009 to vary the timing of the opening and closing of the ballot period.

Signed

Kathleen Cassar
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 08 8237 6555
23 March 2022

Attachments

A. Declaration of results for Uncontested Offices – Western Australia Divisional Branch

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

**CEPU - Western Australian Divisional Branch, Electrical, Energy
and Services Division**

**DECLARATION OF RESULTS - E2021/179
Uncontested Offices**

Insufficient Nominations 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:

Foundry Industry Section

Divisional State Councillor (1)

Candidates

DAWSON Rory Ernst

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: 0413 271 716
Email: IEBevents@aec.gov.au
22/03/2022





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

(E2021/179)

MR STEENSON

SYDNEY, 18 OCTOBER 2021

Arrangement for conduct of election.

[1] On 24 September 2021 the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia – Electrical, Energy and Services Division – Western Australian Divisional Branch lodged with the Registered Organisations Commission prescribed information for an election to fill the following office, due to insufficient nominations received in a previous election (**E2019/65**):

Divisional State Councillor – Foundry Industry Section (1)

[2] The covering letter from the Branch which accompanied the prescribed information lodged in this matter acknowledged that it relates to an office for which insufficient nominations were received in the scheduled election E2019/65 which was declared on 13 August 2019, i.e. some two years ago. The Branch acknowledged the delay in lodgement and noted a decision issued by the Commission earlier this year in relation to another branch of the organisation (E2021/78), which drew attention to the need for organisations and branches to take steps to fill vacant offices, including those for which insufficient nominations are received.¹

[3] It is apparent, from the Branch’s letter accompanying the prescribed information and from communications between the Commission and the organisation, that the national office of the organisation has corresponded with its branches about the need to take steps to fill vacant offices, and drawn their attention to the Commission’s decision in E2021/78. Such action by the national office is commendable and it is hoped that it will reduce instances of long delays in seeking to fill vacant offices.

[4] In the event that insufficient nominations are received in the election to be arranged for this particular office (or arising from future scheduled elections), the Commission’s expectation is that the Branch would lodge prescribed information sooner in an attempt to fill such office(s).

¹ The decision in that matter referred to the observations of Gray J in *Geneff v Peterson and Ors* [1986] FCA 432, at 129, namely: “If insufficient nominations are received, then further elections must be held and further nominations called for. This process must continue, for as long as vacancies exist on the Executive Committee. In the meantime, however, a branch is not to be paralysed by the inability of its decision-making body to function.”

[5] I am satisfied that an election for the abovenamed office 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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PR352070

24 September 2021

Mr Mark Bielecki
The Commissioner
Registered Organisations Commission
GPO Box 2983
Melbourne VIC 3001

Via email: regorgs@roc.gov.au

Dear Mr Bielecki,

CEPU EE&S Division – WA Branch - Insufficient nominations elections

With reference to the above, I attach:

- Prescribed information for an election as required by 189(1) of the *Fair Work (Registered Organisations) Act 2009* (the Act) and Regulation 138 of the Fair Work (Registered Organisations) Regulations 2009;
- AEC Declaration of Result E2019/63

I refer to the correspondence sent to the ROC by the National Secretary, Allen Hicks, on 9 September regarding an insufficient nominations election for this Branch. In his correspondence Mr Hicks noted the decision of the ROC in E2021/78 where in respect of an insufficient nominations election request by the CEPU Tasmanian Branch, the ROC drew attention to the decision of *Geneff v Peterson and ors* [1986] FCA 432, and the comments of Justice Gray that if insufficient nominations are received in an election, then further elections must be held.

This has prompted the Branch to advise the ROC of an office which was likewise not filled at the previous quadrennial election (E2019/65) and for which prescribed information for an insufficient nomination election should also be lodged in an attempt to fill the office.

The office which was not filled at the previous election is as follows:

- State Councillor – Foundry Section

Accordingly, the Branch requests that the Registered Organisations Commission arrange an election to be conducted by the Australian Electoral Commission for this position.

Please accept my apology for not acting on this vacancy sooner.

Yours faithfully



Peter Carter
BRANCH SECRETARY

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, Peter Carter, being the Divisional Branch Secretary of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, Electrical, Energy and Services Division, Western Australian Branch (the Branch), make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Branch.
2. The following information is lodged under subsections 187 and 189(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act);
3. the election that is required is for:
 - a. the office of Divisional State Councillor – Foundry Industry Section;details of the election are set out in the table in Annexure A;
4. Insufficient nominations were received in an earlier election and the declaration of results is attached.
5. No rule alterations are pending that will impact the election.

Signed: 

PETER CARTER

Dated: 24/9/2021

[PLEASE NOTE: This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@roc.gov.au.]

ANNEXURE A

- Elections that are required:

| Branch | Name of Office | Number required | Voting System <i>Direct voting system; Collegiate electoral system</i> | Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i> | Electorate |
|------------------------------------|--|------------------------|--|--|---|
| Divisional State Councillor | | | | | |
| WA | Divisional State Councillor – Foundry Industry Section | 1 | DVS | Insufficient nominations | Financial Members of the Foundry Industry Section |

- **IMPORTANT DATES:**

| | Direct Voting System | Collegiate Electoral System |
|------------------------------------|---|------------------------------------|
| Nominations OPEN | To be determined by the Returning Officer | |
| Nominations CLOSE | To be determined by the Returning Officer | |
| Roll of Voters cut-off date | 7 days prior to the opening date for nominations (Rule 15.19.7) | |