

18 March 2022

Post-election report

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

CEPU - South Australian and Northern
Territory Communications Division
Insufficient Nominations election
E2021/190

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Election(s) Covered in this Report

Organisation: CEPU - South Australian and Northern Territory Communications Division
Election: Insufficient Nominations
Election Decision No/s: E2021/190

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: Nil

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

Based on an analysis of the register of members the Returning Officer has formed the opinion that the:

- 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
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.

Signed

Jude Feige
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 0466730906
18 March 2022

Attachments

A. Declaration of results for Uncontested Offices – SA Comms

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

**CEPU - South Australian and Northern Territory Communications
Division**

**DECLARATION OF RESULTS - E2021/190
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:

Postal Services Industry Section

Branch Committee of Management Member (honorary) (1)

Candidates

No Nominations Received

Telecommunications and Information Technology Industry Section

Branch Committee of Management Member (honorary) (2)

Candidates

SEIDL David

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

Jude Feige
Returning Officer
Telephone: 0466730906
Email: IEBevents@aec.gov.au
18/03/2022



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 (E2021/190)

MR STEENSON

SYDNEY, 1 NOVEMBER 2021

Arrangement for conduct of election.

[1] On 20 October 2021 the Communications Division (**the Division**) of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices, due to insufficient nominations received in a previous election (**E2018/281**):

South Australia & Northern Territory Communications Division Branch

Branch Committee of Management Member (honorary) from the following sections:

Postal Services Industry Section (1)

Telecommunications and Information Technology Industry Section (2)

[2] I note that the Division's letter dated 20 October 2021, which accompanied the prescribed information lodged in this matter, acknowledges that it relates to offices for which insufficient nominations were received in an election declared on 17 April 2019, i.e. more than two years ago.

[3] The letter also notes that the lodgement of prescribed information follows the National Secretary of the organisation corresponding with branches on 9 September 2021, drawing their attention to my decision in matter E2021/78.¹ In that decision it was indicated that attempts must be made to fill vacant offices, including those resulting from insufficient nominations being received, and the need for this to occur in a timely manner. In relation to the current matter (E2021/190), I commend the Division's candour in acknowledging its omission – of not acting on this vacancy sooner – and note its apology in this regard.

[4] I also take the opportunity to note that if insufficient nominations are received in the election to be arranged for these particular offices (or in future elections), the Commission's clear expectation is that prescribed information would then be lodged by the relevant

¹ [2021] ROCD 75, concerning another branch of the organisation

organisation, division or branch in a timely manner in an attempt to fill such office(s). I also take this opportunity to commend the organisation's national office on its efforts to address this issue with its divisions and branches.

[5] 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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20 October, 2021.

Mr Mark Bielecki,
The Commissioner,
Registered Organisations Commission,
GPO Box 2983,
MELBOURNE. VIC. 3001.
Via email: regorgs@roc.gov.au

Dear Mr Bielecki,

RE: CEPU COMMUNICATIONS DIVISION – SA-NT 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 E2018/281

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 and for which prescribed information for an insufficient nomination election should also be lodged in an attempt to fill the office.

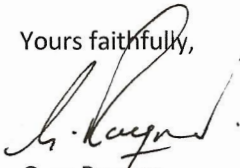
The office which was not filled at the previous election is as follows:

- BCOM Member – Telecommunications & Information Technology Industry Section x 2
- BCOM Member – Postal Services Industry Section x 1

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,



Greg Rayner,
DIVISIONAL SECRETARY.

GR:kr

Level 9, 365 Queen Street, Melbourne Vic 3000 (Australia)

cwu.org.au

P (03) 9349 2100

E cwu@cwu.org.au

ABN 22 401 014 998 A Division of CEPU

Shane Murphy Divisional President
James Perkins Divisional Assistant Secretary (Telecommunications)
Bernie Clarke Divisional Vice-President

Greg Rayner Divisional Secretary
Nicole Robinson Divisional Assistant Secretary (Postal)
Lisa-Maree Bahls Divisional Vice-President (AA)

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, Greg Rayner, being the Divisional Secretary of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, Communications Division, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Division.
2. The following information is lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act);
3. The election that is required is set out in the table in Annexure A;
4. Insufficient nominations were received in an earlier election(s) and the declaration/s of results is/are attached.
5. No rule alterations are pending that will impact the election.

Signed:



GREG RAYNER

Dated: 20 OCTOBER 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 for the Communications Division, South Australian & Northern Territory Branch (SA-NT Branch) and the New South Wales Telecommunications and Services Branch (NSW T&S Branch):

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
SA-NT Branch	Member of the Branch Committee of Management - Telecommunications and Information Technology Industry Section	2	DVS	Insufficient nominations	Financial members of the Branch Telecommunications and Information Technology Industry Section <i>(Communications Divisional rules 67(a), 75(e))</i>
SA-NT Branch	Member of the Branch Committee of Management - Postal Services Industry Section	1	DVS	Insufficient nominations	Financial members of the Branch Postal Services Industry Section <i>(Communications Divisional rules 67(a), 75(e))</i>

- IMPORTANT DATES:**

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	As determined by the Returning Officer.	
Nominations CLOSE	As determined by the Returning Officer.	
Roll of Voters cut-off date	7 days prior to the on which nominations open <i>(Communications Divisional rule 67(b)(i))</i>	