



15 August 2023

Greg Rayner

Division Secretary

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

Sent via email: cwu@cwu.org.au

cc: Greg Rayner, grayner@cwu.org.au

Dear Greg Rayner



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2023/60

An election has recently been completed by the Australian Electoral Commission (AEC) for the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia - Communications Division and a post-election report has been issued by the AEC.

This letter explains the next steps you must take, including what information you need to give to members and what information you need to lodge with the Fair Work Commission (the Commission).

What you must do right now

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to the Commission at regorgs@fwc.gov.au
- Respond to the AEC

This letter explains these steps and the tools available to help you.

STEP 1: Notify members

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (regulation 141). The notice must be on your website for at least three months.



Can we put more information on our website?

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than three months. You can always do more than the regulatory minimum.

The Commission will also publish your declaration of results on our [website](#).

STEP 2: Financial training

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete approved financial training (section 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

There are face-to-face and online [financial training packages on the Commission website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR receive an [exemption by the Commission](#) **within six months** of beginning to hold office.



Good governance tip:

Organisations should instruct officer holders about their other obligations. This is especially important for committee of management members.

Our podcast covers the [benefits of officer induction](#). Officers have responsibilities under the rules, the *Fair Work (Registered Organisations) Act 2009* (the RO Act), and disclosure requirements around conflicts of interest, remuneration and material personal interests. Officers will benefit from our [officer induction kit](#) and our [podcast](#), such as [episode 17 - conflicts of interest](#).

STEP 3: Notifications of change



A notification of change must be lodged with the Commission within **35 days** of the change occurring.

We have a [template](#) to help you with this, which you can send to regorgs@fwc.gov.au. An officer must sign the completed notification template.

You must lodge a notification of change if:

- any of your officers have not been re-elected;
- officers have changed offices; or
- you have new officers.

Only notify us of changes that have **already occurred**. If people take up office in the future, you must wait until the change happens before lodging the notification within 35 days of the change.

Note: One election may result in many notifications of change.



Penalties apply

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

Real-life example of penalties in Court An organisation failed to make a series of notifications of change on time.

The Full Court said ‘The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.’

The organisation was ordered to pay a penalty. More information is available in our [case summary](#).

STEP 4: Reply to the AEC

The AEC’s post-election report says the AEC had trouble applying some of your election rules. You **MUST** respond to the AEC about the issues in the report (section 198).

Your response to the AEC must be in writing. It must include:

- whether the organisation intends to take action
- (if yes) what action the organisation intends to take

You must send your response to the AEC within **30 days** of receiving the report and provide a copy to the Commission (section 198).



Penalties apply

The requirement to respond to the AEC comes from section 198 of the RO Act. Section 198 of the RO Act is a civil penalty provision.

A failure to take any of these steps, or taking them in the wrong order, can expose your organisation to penalties under the RO Act.

Make the report and your response available to your members

You must make the post-election report about difficult rules available to your members.

You must also make your written response to the AEC available to your members.



Timing is very important

You must make the report about difficult rules available to your members **before or at the same time** as you make your response available.

Your response must be available to members:

- in the next edition of your journal or
- within 30 days of giving it to the AEC (if using a method other than your journal to make it available, e.g. your website)



Penalties apply

The requirement to respond to the AEC comes from section 198 of the RO Act. Section 198 of the RO Act is a civil penalty provision.

A failure to take any of these steps, or taking them in the wrong order, can expose your organisation to penalties under the RO Act.

How do I make these documents available to my members?

The RO Act says you will have made the document available if you do all the following things:

- Publish a copy of the relevant section and your response in your next journal, AND
- Send the Commission a copy of the relevant section and your response with a declaration that you'll provide copies to any member who asks for one, AND

- Tell members in your next journal (or an appropriate newspaper) that you'll give the relevant section of the report and your response to any member free of charge if requested, AND
- Put on your website:
 - the relevant section of the report within 14 days of receiving it and
 - your response within 14 days of sending it to the AEC

But you can also make the documents available to your members in other ways as well.



What if we decide to change our rules?

You can! If you think changing your rules will fix or improve the issues raised by the AEC you can change your rules.

Your rules will include a rule altering procedure that you must follow in order to do this.

We provide help changing your rules and advice on rule requirements. Please contact us at regorgs@fwc.gov.au, or ring 1300 341 665. Alternatively you could book an online Governance to You visit with a Commission staff member to discuss the changes.

Questions?



What if I don't understand the post-election report?

You should contact the AEC immediately to discuss what the report means.

What if we decide not to take action?

You must tell the AEC in writing you do not intend to act.

What if I have already responded to the AEC?

If you have already done the things set out in step 4, please disregard this step.

Remember to make the relevant section of the report and your response available to your members as well.

Why do I need to tell you the results of the election when you've already received them?

The RO Act requires that **you** tell us this information about your officers – it is a legal obligation. The notification of change also contains information that is not in the declaration of results.

What if the officer has already done training?

Check out our [fact sheet](#) for when officers need to redo training, when they can get an exemption and when further training isn't required.

If you have any queries we can be contacted on 1300 341 665 or by email at regorgs@fwc.gov.au.

Yours sincerely

Fair Work Commission



The Commission has an interim [Compliance Policy](#) which explains how we respond to issues of non-compliance. The policy is available on our website if you would like further information on the steps the compliance team may take in response to non-lodgement of a financial report.

26 July 2023

Post-election report

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

Communications Division

Scheduled election

E2023/60

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Election(s) Covered in this Report

Organisation: Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia - Communications Division

Election Type: Scheduled

Election Decision No/s: E2023/60

Rules

Rules used for the election: 128V-COM: - Incorporates alterations of 24 October 2022 certified in matter R2022/72

Rules difficult to apply/interpret:

67(d)(iv)(A)(5) - The process for conducting a signature check involves comparing the signature on the prepaid envelope with the specimen contained on CEPU records that appears in connection with that person's name. The AEC does not hold a data file of signatures with which to perform this check and the AEC has highly developed processes and systems for ensuring the integrity of postal ballots. In the AEC's view, it is not possible to conduct the signature check in the presence of scrutineers and with the cooperation of CEPU officials, without disclosing the identity of that individual.

67 (i) - Recount Provision, rules specify that candidates may pay \$10 to the secretary of the branch to demand a recount. The payment of \$10 is not reflective of the cost of conducting a recount, nor is this provision tied to a real or perceived irregularity in the election. The AEC, along with members of the organisation, already have legal recourse through which to pursue a recount should an irregularity occur. The AEC recommends the removal of this provision.

67 (d) (iv) B - prepare a Notice and arrange for the placing of such Notice on the Notice Boards at places where more than ten members work or report for work, informing members of the forthcoming election. The AEC finds this difficult to apply as the AEC does not hold a data file of workplaces or their contacts. The AEC distributed the Notice via bulk email to voters and recommends this rule be reviewed.

Model Rule reference (if any): Nil

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

Roll of Voters

Matters pertaining to the roll of voters:

A small number of members names were provided by the organisation with the incorrect electorate recorded against their name. This was identified during the postal voting period and corrective

activities were undertaken. This included safeguards to ensure voters were provided with the correct postal vote packs and that no incorrect postal votes were admitted to the count.

Irregularities

Details of written allegations of irregularities, and action taken by AEC:

A Candidate lodged a complaint to the AEC regarding use of union resources in the election by candidates. The AEC considered the matter, and determined there was no evidence that the union or Branch authorised the use of its resources to favour one candidate over another.

Under the operation of s 346 of the Fair Work (Registered Organisations) Act 2009 three candidates requested a copy of the roll of voters displaying who had voted in this election. These candidates were provided with a deidentified list of votes received by suburb or State.

Other irregularities identified, and action taken: N/A

Other Matters

Returning Officer actions required (Section 193):

The AEC applied Section 193 to the rule 67(d)(iv)(A)(5), as detailed above.

Signed

Benjamin Murray
Returning Officer
Australian Electoral Commission
E: iebevents@aec.gov.au
P: (03) 9285 7110
26 July 2023

Attachments

- A. Declaration of results for Uncontested Offices
- B. Declaration of Results for Contested Offices

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

Communications Division

DECLARATION OF RESULTS - E2023/60

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

Divisional President (1)

Candidates

MURPHY Shane

Divisional Assistant Secretary (Postal) (1)

Candidates

ROBINSON Nicole

Divisional Assistant Secretary (Telecommunications) (1)

Candidates

PERKINS James

Divisional Vice President (1)

Candidates

SHELLEY Cindy

Divisional Vice President (Affirmative Action) (1)

Candidates

BAHLS Lisa-Maree

Divisional Conference Member - Central Branch - Postal Industry Section (New South Wales - ACT) (4)

Candidates

BACKHOUSE Kevin

CHALONER Peter

LUU Minh

PSOMAS Peter

Divisional Conference Member - Central Branch - Lines & General Industry Section (New South Wales-ACT) (1)

Candidates

O'CONNELL Peter

Divisional Conference Member - Central Branch - Telecommunications & Information Technology Industry Section (Queensland) (1)

Candidates

SMITH Patrick

Divisional Conference Member - Central Branch - Postal Industry Section (Queensland) (2)

Candidates

GLEESON Christopher

HARRIS Noah

Divisional Conference Member - Central Branch - Postal Industry Section (South Australia-Northern Territory) (1)

Candidates

SEIDL David

Divisional Conference Member - Central Branch - Telecommunications & Information Technology Industry Technology Section (SA-NT) (1)

Candidates

BASCOMBE Paul

Divisional Conference Members - Telecommunications & Services Branch - Technical Industry Section (New South Wales-ACT) (1)

Candidates

DWYER Daniel Lee

Divisional Conference Members - Telecommunications & Services Branch - Operator Industry Section (New South Wales-ACT) (1)

Candidates

No Nominations Received

Divisional Conference Members - Telecommunications & Services Branch - Technical Industry Section (Victoria) (1)

Candidates

RILEY Sue

Divisional Conference Members - Telecommunications & Services Branch - Operator Industry Section (Victoria) (1)

Candidates

No Nominations Received

Divisional Conference Members - Western Australian Branch - Postal Industry Section (1)

Candidates

MCVEE Barry

Divisional Conference Members - Western Australian Branch - Telecommunications and Information Technology Industry Section (1)

Candidates

THOMAS Clinton

Divisional Executive Member - Western Australian Branch (2)

Candidates

MCVEE Barry

THOMAS Clinton

Divisional Executive Member - Central Branch (New South Wales-ACT) (2)

Candidates

CHALONER Peter

O'CONNELL Peter

Divisional Executive Member - Central Branch (Queensland) (2)

Candidates

BIRD Cameron "Birdy"

JOINBEE Kevin

Divisional Executive Member - Central Branch (South Australia-Northern Territory) (2)

Candidates

BASCOMBE Paul

TOWNSEND Nick

Divisional Executive Member - Telecommunications & Services Branch (Victoria and NSW-ACT) (4)

Candidates

DWYER Dan

RILEY Sue

CWU Central Branch

Branch President (1)

Candidates

BAXTER Rod

Branch Vice President (1)

Candidates

HOGAN Kevin

Branch Vice President (Affirmative Action) (1)

Candidates

ZIINO Donna Caterina

Branch Secretary (1)

Candidates

MURPHY Shane

Branch Assistant Secretary (NSW-ACT) (1)

Candidates

CHALONER Peter

Branch Assistant Secretary (QLD) (1)

Candidates

BIRD Cameron "Birdy"

Branch Assistant Secretary (SA-NT) (1)

Candidates

TOWNSEND Nick

Branch Organiser (NSW-ACT) (4)

Candidates

ANDERSON Cade

LY Tan Kien (TK)

SABA Giselle

WILLIAMS Dennis

Branch Organiser (QLD) (1)

Candidates

O'NEILL Brett

**Branch Committee of Management Member - Postal Industry Section - New South Wales-
ACT (5)**

Candidates

BECKMAN Mark

KARIM Rita

RATHOUR Anita

WATSON Don

WONG David

Branch Committee of Management Member - Postal Industry Section - Queensland (3)

Candidates

DUNNING Michael

O'BRIEN Catherine

O'SHEA Marguerite

**Branch Committee of Management Member - Postal Industry Section - South Australia -
Northern Territory (2)**

Candidates

HOCKING Gavin

MUIRHEAD Tim

**Branch Committee of Management Member - Lines & General Industry Section - New
South Wales-ACT (3)**

Candidates

DAMJANOVSKI Tony

DELIGIANNIS George

O'CONNELL Peter

**Branch Committee of Management Member - Telecommunications and Information
Technology Industry Section - Queensland (1)**

Candidates

BURGESS Jason

**Branch Committee of Management Member - Telecommunications and Information
Technology Industry Section - South Australia-Northern Territory (1)**

Candidates

BASCOMBE Paul Antony

Telecommunications and Services Branch

Branch President (1)

Candidates

WELBOURN Kelvin

Branch Secretary (1)

Candidates

RILEY Sue

Branch Assistant Secretary (1)

Candidates

DWYER Dan

Branch Vice President (2)

Candidates

FALLS Glenn

Branch Committee of Management Member - Technical Industry Section (18)

Candidates

DE SOYZA Keith

DUBOIS Pierre

ELLERY John

JOHNSON Neil

LIGHTFOOT Paul

MCCALLUM Ian

PLANINSIC Andrej

SEYCHELL David

SHERLEY Paul

WANDEN Ian

WASILEWSKI Peter

WILLIS Margaret

YOUNG Andy

Branch Committee of Management Member - Operator Industry Section (1)

Candidates

No Nominations Received

Western Australian Communications Division Branch

Branch President (1)

Candidates

TREDREA John

Branch Vice President (2)

Candidates

VAN DER STELT Machiel

WALLER Roy

Branch Vice President (Affirmative Action) (1)

Candidates

BRITTAIN Stacey

Branch Secretary (1)

Candidates

MCVEE Barry

Branch Assistant Secretary (1)

Candidates

THOMAS Clinton

Branch Committee of Management Member - Postal Services Industry Section (4)

Candidates

DEFRENNE Andrew

EVANGELISTA John
MUSCAT Garth
RAYNER Mark

**Branch Committee of Management Member - Telecommunications & Information
Technology Industry Section (4)**

Candidates

RICHARDS Travis
SHAW Andrew
TYRRELL Gary
WAINWRIGHT David

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

Chris King
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
28/04/2023



**Communications, Electrical, Electronic, Energy, Information, Postal,
Plumbing and Allied Services Union of Australia**
Communications Division
DECLARATION OF RESULTS - E2023/60
Contested 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 Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	18,613
Number of voters issued with voting material	18,613
Total number of voters issued with replacement voting material	23
Total number of voting material packs issued	18,636
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	5,179
Number of declaration envelopes rejected at preliminary scrutiny (minus)	50
Number of ballot papers returned outside declaration envelopes (minus)	50
COUNT	
Total ballot papers admitted to the count	5079
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	152
Voting material packs not returned by voters by closing date of the ballot	13,305
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	28 %

Divisional Secretary (1)

<u>Candidates</u>	<u>Final Votes</u>
RAYNER, Greg	3,893
ELLERY, John	1,135

Total ballot papers admitted for this office	5,079
Formal Ballot papers	5,028
Informal Ballot papers	51

I declare the following elected:

- RAYNER, Greg

Victoria Postal and Telecommunications Branch - Postal Industry Section

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	3,674
Number of voters issued with voting material	3,674
Total number of voters issued with replacement voting material	15
Total number of voting material packs issued	3,689
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	1,551
Number of declaration envelopes rejected at preliminary scrutiny (minus)	18
Number of ballot papers returned outside declaration envelopes (minus)	20
COUNT	
Total ballot papers admitted to the count	1513
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	27
Voting material packs not returned by voters by closing date of the ballot	2,111
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	42 %

Divisional Conference Member (2)

<u>Candidates</u>	<u>Final Votes</u>
ALLAN, Matt	428
HENLEY, Brendan Michael	885
NUNN, Wayne	360
LAZARO, Leroy	1,066

Total ballot papers admitted for this office	1,513
Formal Ballot papers	1,477
Informal Ballot papers	36

I declare the following elected:	Order Elected
• LAZARO, Leroy	1
• HENLEY, Brendan Michael	2

Branch Committee of Management Member (8)

<u>Candidates</u>	<u>Final Votes</u>
WINDMILL, Chris	494
STYLES, Shannon	495
HUGHES, Anne	1,043
VEGA, Eva	499
HELLER, Rob	511
PATTI, SEBASTIAN	981
JOHNSON, Ricky	1,185
REDENBACH, Wayne	1,173
ALLAN, Matt	502
KENNEDY, Jeffrey Leigh	975
JIMENEZ, Lester	934

DIEZ, Melvin	891
LE, Trang	1,133

Total ballot papers admitted for this office **1,513**

Formal Ballot papers 1,481

Informal Ballot papers 32

I declare the following elected:

	Order Elected
• JOHNSON, Ricky	1
• REDENBACH, Wayne	2
• LE, Trang	3
• HUGHES, Anne	4
• PATTI, SEBASTIAN	5
• KENNEDY, Jeffrey Leigh	6
• JIMENEZ, Lester	7
• DIEZ, Melvin	8

Divisional Executive Member (1)

Candidates	Final Votes
LAZARO, Leroy	1,096
VEAL, Anthony	390

Total ballot papers admitted for this office **1,513**

Formal Ballot papers 1,486

Informal Ballot papers 27

I declare the following elected:

- LAZARO, Leroy

Victoria Postal and Telecommunications Branch - Lines and General Industry Section

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	150
Number of voters issued with voting material	150
Total number of voters issued with replacement voting material	2
Total number of voting material packs issued	152
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	40
Number of declaration envelopes rejected at preliminary scrutiny (minus)	2
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	38
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	2
Voting material packs not returned by voters by closing date of the ballot	110
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	27 %

Divisional Conference Member (1)

Candidates

Final Votes

BUTLER, Val	27
RICHARDSON, Bill	9

Total ballot papers admitted for this office

37

Formal Ballot papers	36
Informal Ballot papers	1

I declare the following elected:

- BUTLER, Val

Branch Committee of Management Member (2)

Candidates

Final Votes

RICHARDSON, Bill	11
BUTLER, Val	26
CAMILLERI, Daniel	13

Total ballot papers admitted for this office

37

Formal Ballot papers	36
Informal Ballot papers	1

I declare the following elected:

Order Elected

• BUTLER, Val	1
• CAMILLERI, Daniel	2

Divisional Executive Member (1)

Candidates

Final Votes

RICHARDSON, Bill	11
BUTLER, Val	25

Total ballot papers admitted for this office

37

Formal Ballot papers	36
Informal Ballot papers	1

I declare the following elected:

- BUTLER, Val

Victorian Postal and Telecommunications Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	3,824
Number of voters issued with voting material	3,824
Total number of voters issued with replacement voting material	17
Total number of voting material packs issued	3,841
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	1,591
Number of declaration envelopes rejected at preliminary scrutiny (minus)	20
Number of ballot papers returned outside declaration envelopes (minus)	19
COUNT	
Total ballot papers admitted to the count	1552
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	29
Voting material packs not returned by voters by closing date of the ballot	2,220
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	42 %

Branch President (1)

<u>Candidates</u>	<u>Final Votes</u>
COSTELLO, Terry	444
WILLIAMS, Elizabeth	1,071

Total ballot papers admitted for this office	1,552
Formal Ballot papers	1,515
Informal Ballot papers	37

I declare the following elected:

- WILLIAMS, Elizabeth

Branch Vice President (2)

<u>Candidates</u>	<u>Final Votes</u>
HELLER, Rob	548
SAN JOSE, Meredith	1,048
CRITCH, Robert	1,192

Total ballot papers admitted for this office	1,552
Formal Ballot papers	1,518
Informal Ballot papers	34

I declare the following elected:

- CRITCH, Robert
- SAN JOSE, Meredith

Order Elected

1
2

Branch Secretary (1)

<u>Candidates</u>	<u>Final Votes</u>
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LAZARO, Leroy	1,131
VEAL, Anthony	389
Total ballot papers admitted for this office	1,552
Formal Ballot papers	1,520
Informal Ballot papers	32

I declare the following elected:

- LAZARO, Leroy

Branch Organiser (3)

<u>Candidates</u>	<u>Final Votes</u>
HENLEY, Brendan	1,007
MCGUINNESS, Troy	998
CHIMIRRI, Sam	387
COSTELLO, Terry	478
MANNUZZA, Enzo	359
SHELLEY, Cindy	1,034

Total ballot papers admitted for this office	1,552
Formal Ballot papers	1,525
Informal Ballot papers	27

I declare the following elected:

	Order Elected
• SHELLEY, Cindy	1
• HENLEY, Brendan	2
• MCGUINNESS, Troy	3

Chris King
Returning Officer
Telephone: (03) 9285 7111
Email: IEBevents@aec.gov.au
05/07/2023



Fair Work
Commission

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
(E2023/60)

MR STEENSON

SYDNEY, 31 MARCH 2023

Arrangement for conduct of election.

[1] On 7 February 2023, the Communications Division of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia lodged with the regulator prescribed information seeking an election for offices in accordance with the Division’s quadrennial election cycle.

[2] On 27 February 2023, as Delegate, I issued a decision in that matter, (E2023/6), [2023] ROCD 19 (PR352418).

[3] On 30 March 2023, in communications from the Australian Electoral Commission, clarification was sought to more precisely reflect the electorates for some of the offices to be elected.

[4] Accordingly, as I am satisfied that an election is still required for the offices listed in the decision for election matter E2023/6, issued 27 February 2023, but that further clarification and specificity about the particular electorates for some of the offices is required.

[5] My decision E2023/6 is therefore revoked and replaced by this decision (E2023/60).

[6] An election is required to be conducted for the following offices:

Divisional

Divisional President	(1)
Divisional Secretary	(1)
Divisional Assistant Secretary (Postal)	(1)
Divisional Assistant Secretary (Telecommunications)	(1)
Divisional Vice President	(1)
Divisional Vice President (Affirmative Action)	(1)

Divisional Conference Members (19 in total), comprised of:
(numbers in accordance with Divisional rule 5(d))

Central Branch

Postal Industry Section (New South Wales-ACT)	(4)
Lines & General Industry Section (New South Wales-ACT)	(1)
Telecommunications & Information Technology Industry Section (Queensland)	(1)
Postal Industry Section (Queensland)	(2)
Postal Industry Section (South Australia-Northern Territory)	(1)
Telecommunications & Information Technology Industry Section (SA-NT)	(1)

Telecommunications & Services Branch

Technical Industry Section (New South Wales-ACT)	(1)
Operator Industry Section (New South Wales-ACT)	(1)
Technical Industry Section (Victoria)	(1)
Operator Industry Section (Victoria)	(1)

Victorian Postal & Telecommunications Branch

Lines & General Industry Section	(1)
Postal Industry Section	(2)

Western Australian Branch

Postal Industry Section	(1)
Telecommunications and Information Technology Industry Section	(1)

Divisional Executive Member (14 in total), comprised of:
(numbers in accordance with Divisional rule 11(a))

<u>Victorian Postal & Telecommunications Branch</u>	(2)
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<u>Western Australian Branch</u>	(2)
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Central Branch

New South Wales-ACT	(2)
Queensland	(2)
South Australia-Northern Territory	(2)

Telecommunications & Services Branch

Victoria and NSW-ACT	(4)
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CWU Central Branch

Branch President	(1)
Branch Vice President	(1)
Branch Vice President - Affirmative Action	(1)
Branch Secretary	(1)
Branch Assistant Secretary (NSW-ACT)	(1)
Branch Assistant Secretary (QLD)	(1)
Branch Assistant Secretary (SA-NT)	(1)
Branch Organiser (NSW-ACT)	(4)
Branch Organiser (QLD) (1)	

Branch Committee of Management Member (15 in total), comprised of:

Postal Industry Section

New South Wales-ACT (5)

Queensland (3)

South Australia-Northern Territory (2)

Lines & General Industry Section

New South Wales-ACT (3)

Telecommunications and Information Technology Industry Section

Queensland (1)

South Australia-Northern Territory (1)

Victorian Postal and Telecommunications Branch:

Branch President (1)

Branch Vice President (2)

Branch Secretary (1)

Branch Organiser (3)

Branch Committee of Management Member (10 in total), comprised of:

Postal Industry Section (8)

Lines & General Industry Section (2)

Telecommunications and Services Branch:

Branch President (1)

Branch Secretary (1)

Branch Assistant Secretary (1)

Branch Vice President (2)

Branch Committee of Management Member (19 in total), comprised of:

(numbers in accordance with Divisional rule 76A(h))

Technical Industry Section (18)

Operator Industry Section (1)

Western Australian Communications Division Branch:

Branch President (1)

Branch Vice President (2)

Branch Vice President - Affirmative Action (1)

Branch Secretary (1)

Branch Assistant Secretary (1)

Branch Committee of Management Member (8 in total), comprised of:

Postal Services Industry Section (4)

Telecommunications & Information Technology Industry Section (4)

[7] Rule 66 of the Division's rules deals with nominations for office. In particular, rule 66(g) provides that:

All nominations for office, including full-time offices, or full-time position of Organiser, shall be called for by the Branch Returning Officer, on the first day of April in the year of election or should that day be a Saturday, Sunday or holiday, on the first day thereafter which is not a Saturday, Sunday or holiday.

[8] For 2023, both the first and second days of April fall on a weekend, so nominations are due to open on 3 April. Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* requires that prescribed information must be lodged two months before the date on which nominations are due to open. The prescribed information should therefore have been lodged by 3 February 2023. Consequently, the Division's lodgement on 7 February 2023 was after the prescribed date.

[9] In its correspondence dated 7 February 2023, the Divisional Secretary stated that the delay was due to the considerable amount of work involved in 'recent structural changes to the Division' compounded by key people being on leave during the holiday period. The reference to structural changes refers to the recent merger of several of the Division's branches.

[10] The normal and reasonable expectation is that registered organisations, their branches and divisions, take steps to ensure they comply with the time-frame requirements set out not only in the *Fair Work (Registered Organisations) Act 2009 (the Act)* but also in instruments or references pertaining to their own governance formulated by the organisations themselves, such as those set out in their own rules.

[11] I acknowledge that even though the merger of branches took effect in October 2022, it would have implications for their administration in the months immediately after. However, the reference to key personnel being on leave during the holiday period (i.e. December and January) suggests that the Division could be vulnerable to late lodgements in future given that, under the rules as they stand, the prescribed information will always need to be lodged by the very beginning of February at the latest. The Division should therefore consider what systems it needs to put in place to address this vulnerability.

[12] On this occasion because of the specific circumstances surrounding the merger of branches, I allow, under section 189(2) of the Act, a later day for lodgement. I remind the Division that the failure to lodge prescribed information before the prescribed day would leave the organisation open to civil penalty liability.

[13] 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 Act, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER

Printed by authority of the Commonwealth Government Printer

PR755021

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

1. I am authorised to sign this statement containing prescribed information for the Communications Division.
2. The following information is lodged under subsection 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.
5. This statement was due to be lodged with the Registered Organisations Commission on last Friday 3 February 2023 as nominations open on 3 April 2023. This statement is not lodged at least 2 months before nominations open for the election(s) in Annexure A. The reasons it is being lodged after the prescribed time are as follows.
 - (a) On 24 October 2023 in R2022/72 the Fair Work Commission certified rules alterations to effect a merger of branches within the Communications Division. This merger decreased the number of branches in the Division from seven branches to four branches.
 - (b) As a consequence of these structural changes within the organisation, there has been a considerable amount of work involved in rationalising finances, merging membership records and other operational changes. This led to a delay in lodging the prescribed information for the 2023 quadrennial election.
 - (c) This delay has been compounded by key people being on leave over the holiday period.
 - (d) I apologise for not lodging an extension of time request for this election and I respectfully request an extension of time to lodge the application.

6. *The number of Divisional Conference delegates to be elected to the Divisional Conference representatives is calculated on a formula(s) defined in the rules:*

- (a) The rule number which specifies the formula is Divisional rule 5(d) of the CEPU Communications Divisional rules (“the Divisional rules”).
- (b) The formula is:

5 – DIVISIONAL CONFERENCE

- (d) *Representation at the Divisional Conference shall be on the basis of one (1) delegate for each two thousand (2,000) members or part thereof for each Industry Section within each Branch. For the purposes of this Rule the number of members for an Industry Section shall be the actual number of financial members at the end of the financial year preceding the year of elections.*
- (c) The information for calculating the formula(s) is:
 - (d) *... one (1) delegate for each two thousand (2,000) members or part thereof for each Industry Section within each Branch. For the purposes of this Rule the number of members for an Industry Section shall be the actual number of financial members at the end of the financial year preceding the year of elections.*
 - a. The relevant date for this information is the end of the financial year preceding the year of the elections.

Signed:



Greg Rayner

Dated: 7 February 2023

Annexure A

- Elections that are required

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
Division	Divisional President	1	Direct Voting System	Scheduled	Financial members of the Division – Divisional rule 21(c)(iv)
Division	Divisional Secretary/National Councillor	1	Direct Voting System	Scheduled	Financial members of the Division – Divisional rule 21(c)(iv), National rule 7.10.1
Division	Divisional Assistant Secretary (Postal)	1	Direct Voting System	Scheduled	Financial members of the Division – Divisional rule 21(c)(iv)
Division	Divisional Assistant Secretary (Telecommunications)	1	Direct Voting System	Scheduled	Financial members of the Division – Divisional rule 21(iv)
Division	Divisional Vice President	1	Direct Voting System	Scheduled	Financial members of the Division – Divisional rule 21(c)(iv)
Division	Divisional Vice President Affirmative Action	1	Direct Voting System	Scheduled	Financial female members of the Division – Divisional rule 21(c)(iv)
Division	Divisional Conference Member	19 Central Br - 10 (5 - NSW - 4 x Postal IS; 1 x Lines & General IS) (3 – QLD - 1 x Telecomm & Information Tech IS; 2 x Postal IS) (2 – SA-NT; 1 x Postal IS; 1 x T&IT IS) Telecom & Services Br - 4 (2 - NSW; 2 - VIC)	Direct Voting System	Scheduled	Financial members of each Industry Section (IS) in: <ul style="list-style-type: none"> the VIC P&T Branch and the WA Branch; the T&S Branch in NSW-ACT and VIC; and <ul style="list-style-type: none"> the financial members from each geographically specific electorate in NSW-ACT, QLD and SA-NT from

		1 each to Technical IS; 1 each to Operator IS) VIC P&T Br – 3 (1 x Lines & Gen IS; 2 x Postal IS) WA Br – 2 (1 x Postal IS; 1 x T&IT IS)			each industry section of the Central Branch – Divisional rules 21(d), r5A
Division	Divisional Executive Member/National Councillor	14 1 x each Industry Section: <ul style="list-style-type: none"> • in the VIC P&T (2) and WA (2) Branches; • in each geographically specific electorate in the Central Branch (6); and • in the T&S Branch in both VIC and NSW (4) 	Direct Voting System	Scheduled	Financial members of each Industry Section in: <ul style="list-style-type: none"> • the VIC P&T Branch and the WA Branch; • the T&S Branch in NSW-ACT and VIC; and <ul style="list-style-type: none"> • the financial members from each geographically specific electorate in NSW-ACT, QLD and SA-NT from each industry section of the Central Branch – Divisional rules 21(d), r11, r11A, National rule 7.10.5
Central Branch	Branch President	1	Direct Voting System	Scheduled	Financial members of the Branch – Divisional rule 75A(c) (refer rule 91-Transitional rule)
Central Branch	Branch Vice President	1	Direct Voting System	Scheduled	Financial members of the Branch – Divisional rule 75A(c) (refer rule 91-Transitional rule)
Central Branch	Branch Vice President – Affirmative Action	1	Direct Voting System	Scheduled	Financial female members of the Branch – Divisional rule 75A(b) c. (refer rule 91-Transitional rule)
Central Branch	Branch Secretary	1	Direct Voting System	Scheduled	Financial members of the Branch – Divisional rule 75A(c) (refer rule 91-Transitional rule)
Central Branch	Branch Assistant Secretary (NSW-ACT)	1	Direct Voting System	Scheduled	Financial members resident in the geographically specific electorate of NSW-ACT - Divisional rule 75A(h) – refer Transitional rule 91

Central Branch	Branch Assistant Secretary (QLD)	1	Direct Voting System	Scheduled	Financial members resident in the geographically specific electorate of QLD - Divisional rule 75A(h) – refer Transitional rule 91
Central Branch	Branch Assistant Secretary (SA-NT)	1	Direct Voting System	Scheduled	Financial members resident in the geographically specific electorate of SA-NT - Divisional rule 75A(h) – refer Transitional rule 91
Central Branch	Branch Organiser (NSW-ACT)	4	Direct Voting System	Scheduled	Financial members resident in the geographically specific electorate of NSW-ACT - Divisional rule 75A(h)(i) – refer Transitional rule 91
Central Branch	Branch Organiser (QLD)	1	Direct Voting System	Scheduled	Financial members resident in the geographically specific electorate of QLD - Divisional rule 75A(h)(ii) – refer Transitional rule 91
Central Branch	Branch Committee of Management Member	15 (10 x Postal Industry Section 5 - NSW; 3 - QLD, 2 - SA-NT) 3 x Lines & General Industry Section (NSW) 2 x Telecommunications and Information Technology Industry Section 1 x QLD; 1 x SA-NT)	Direct Voting System	Scheduled	Financial members from each geographically specific electorate in NSW-ACT, QLD and SA-NT from each industry section of the Branch – Divisional rules 46C, 75A (refer rule 91- Transitional rule)
Victorian Postal & Telecommunications Branch	Branch President	1	Direct Voting System	Scheduled	Financial members of the Branch – Divisional rules 46A, 76(c) (refer rule 91- Transitional rule)

Victorian Postal & Telecommunications Branch	Branch Vice President	2	Direct Voting System	Scheduled	Financial members of the Branch – Divisional rule 46A, 76(c) (refer rule 91-Transitional rule)
Victorian Postal & Telecommunications Branch	Branch Secretary	1	Direct Voting System	Scheduled	Financial members of the Branch – Divisional rule 46A, 76(c) (refer rule 91-Transitional rule)
Victorian Postal & Telecommunications Branch	Branch Organiser	3	Direct Voting System	Scheduled	Financial members of the Branch – Divisional rule 46A, 76(c) (refer rule 91-Transitional rule)
Victorian Postal & Telecommunications Branch	Branch Committee of Management Member	10 (8 - Postal Industry Section 2 - Lines & General Industry Section)	Direct Voting System	Scheduled	Financial members from each Industry Section in the Branch - Divisional rules 46A, 76(d) – refer rule 91 – Transitional rule
Telecommunications & Services Branch (New South Wales & Victoria)	Branch President	1	Direct Voting System	Scheduled	Financial membership of the Branch - Divisional rules 46B, 76A(c) – refer Rule 91 – Transitional rule – Part C
Telecommunications & Services Branch (New South Wales & Victoria)	Branch Secretary	1	Direct Voting System	Scheduled	Financial membership of the Branch - Divisional rules 46B, 76A – refer Rule 91 – Transitional rule – Part C
Telecommunications & Services Branch (New South Wales & Victoria)	Branch Assistant Secretary	1	Direct Voting System	Scheduled	Financial membership of the Branch - Divisional rules 46B, 76A(f) – refer Rule 91 – Transitional rule – Part C
Telecommunications & Services Branch (New South Wales & Victoria)	Branch Vice President	2	Direct Voting System	Scheduled	Financial membership of the Branch from each Industry Section - Divisional rules 46B, 76A(f) – refer Rule 91 – Transitional rule - Part C
Telecommunications & Services Branch	Branch Committee of Management Member	19 (18 x Technical 1 x Operator)	Direct Voting System	Scheduled	Financial membership of the Branch from each Industry Section

(New South Wales & Victoria)					- Divisional rules 46B, 67, 76A(h) – refer Rule 91 – Transitional rule – - Part C
Western Australian Branch	Branch President	1	Direct Voting System	Scheduled	Financial membership of the Branch - Divisional rules 46, 75(c) - refer Rule 91 – Transitional rule – part B
Western Australian Branch	Branch Vice President	2	Direct Voting System	Scheduled	Financial membership of the Branch from each Industry Section - Divisional rules 46, 75(e) - refer Rule 91 – Transitional rule – part B
Western Australian Branch	Branch Vice President – Affirmative Action	1	Direct Voting System	Scheduled	Financial female membership of the Branch - Divisional rules 46, 75(d) - refer Rule 91 – Transitional rule – part B
Western Australian Branch	Branch Secretary	1	Direct Voting System	Scheduled	Financial membership of the Branch - Divisional rules 46, 75(c) - refer Rule 91 – Transitional rule – part B
Western Australian Branch	Branch Assistant Secretary	1	Direct Voting System	Scheduled	Financial membership of the Branch - Divisional rules 46, 75(c) - refer Rule 91 – Transitional rule – part B
Western Australian Branch	Branch Committee of Management Member	8 (4 – Postal Services Industry Section; 4 - Telecommunications & Information Technology Industry Section)	Direct Voting System	Scheduled	Financial membership of the Branch from each Industry Section - Divisional rules 46, 75(e) - refer Rule 91 – Transitional rule – part B

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	Monday 3 April 2023 – Divisional rule 66(g)	N/A
Nominations CLOSE	Monday 17 April 2023 – Divisional rule 66(g) (12 noon 14 days after opening of nominations)	N/A
Roll of Voters cut off date	Monday 27 March 2023 – Divisional rule 67(b)(i) (7 days prior to opening of nominations)	N/A