



4 September 2023

Allen Hicks

National Secretary

Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia - Electrical, Energy and Services Division - New South Wales Divisional Branch

Sent via email: admin@etuaustralia.org.au

cc: Allen Hicks, allen@etuaustralia.org.au

Dear Allen Hicks



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2023/140

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 - Electrical, Energy and Services Division - New South Wales Divisional Branch 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

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](#).



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.

Post-election report

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

**Electrical, Energy and Services Division –
New South Wales Divisional Branch**

**Insufficient Nominations election
E2023/140**

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Election(s) Covered in this Report

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

Election: Insufficient Nominations

Election Decision No/s: E2023/140

Rules

Rules used for the election: Election Rules - 128V-NSW: Incorporates alterations of 9 March 2023 in R2022/150

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/

Signed

Chris King
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 03 9285 7111
31 August 2023

Attachments

A. Declaration of results for Uncontested Offices – NSW Branch

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

**Electrical, Energy and Services Division
New South Wales/Australian Capital Territory Divisional
Branch**

**DECLARATION OF RESULTS - E2023/140
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:

Electrical, Energy and Services Division (NSW-ACT Branch)

New South Wales Divisional Branch

Divisional Branch Delegates to Divisional Council (4)

Candidates

BARBIN Frederick

HICKS Allen

POTTER Glen

WALDEN Mick

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
25/08/2023





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**
(E2023/140)

MR STEENSON

SYDNEY, 3 AUGUST 2023

Arrangement for conduct of election.

[1] On 24 July 2023, the Electrical, Energy and Services Division - New South Wales Divisional Branch of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia lodged with the Fair Work Commission prescribed information for an election to fill the following offices for the remainder of the term of office, due to insufficient nominations received in a previous election (**E2023/72**):

Divisional Branch Delegates to Divisional Council

(4)

[2] 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 GENERAL MANAGER

Printed by authority of the Commonwealth Government Printer

PR755118

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

I, Allen Hicks, 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, New South Wales-Australian Capital Territory Branch (the NSW-ACT Branch), make the following statement:

1. I am authorised to sign this statement containing prescribed information for the NSW-ACT Branch.
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. Insufficient nominations were received in an earlier election (E2023/72) and the declaration/s of results is attached.
5. No rule alterations are pending that will impact the election.
6. The number of Divisional Branch delegates to Divisional Council to be elected are calculated on a formula defined in the rules as follows:

Offices/ Positions other than offices	(a) Rules which specify the formula are	(b) Formula for determining numbers	(c) Information for calculating the formula	(d) Relevant date for determining numbers	Number to be elected										
Divisional Branch delegates to Divisional Council	Number of delegates rule 7.3.2 rule 7.3.3	<p>7.3.2 - The number of branch delegates to be elected to Divisional Council is determined as follows:</p> <table><thead><tr><th>Divisional Branch Membership</th><th>Divisional Council Delegates</th></tr></thead><tbody><tr><td>Up to 1,500 members</td><td>1</td></tr><tr><td>1,501 - 7,999 members</td><td>3</td></tr><tr><td>8,000 - 19,999 members</td><td>4</td></tr><tr><td>20,000 members & over</td><td>5</td></tr></tbody></table> <p>such membership being calculated in accordance with sub rule 7.3.3.</p> <p>7.3.3 to determine the calculated number of members of a Branch, the income from membership contributions and entrance fees less impairment of receivables in the Branch's audited statement of comprehensive income for the preceding year is divided by the amount charged by the Branch in the preceding year as the annual subscription rate for adult tradesmen.</p>	Divisional Branch Membership	Divisional Council Delegates	Up to 1,500 members	1	1,501 - 7,999 members	3	8,000 - 19,999 members	4	20,000 members & over	5	<p>Income fr fees YE 31 DEC 22 \$7,695,579 divided by annual subscription rate for the preceding year \$604.80 = 12,724 calculated members = 4 delegates</p>	7.3.3 ... preceding year's audited financial statements, that is, 31 December 2022	4
Divisional Branch Membership	Divisional Council Delegates														
Up to 1,500 members	1														
1,501 - 7,999 members	3														
8,000 - 19,999 members	4														
20,000 members & over	5														

Signed:



Allen Hicks

Dated: 24 July 2023

ANNEXURE A

- Elections that are required:

For the election of officers					
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 <i>*References to Sect B1 rules are to the Divisional rules References to Sect B2 rules are to NSW-ACT Branch rules</i>
NSW	Divisional Branch Delegates to Divisional Council ¹	4	DVS	<i>Insufficient nominations</i>	Financial members of the Divisional Branch (Sect B1 rule 15.19.18; Sect B2 rules 22.1, 22.2)

• IMPORTANT DATES:

	Direct Voting 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 (Section B2 Rule 22.5)

¹ Numbers determined in accordance with Section B1 divisional rule 7.3.2 and 7.3.3