

MOUTEVELIS, Michael

From: Noopur Madan [Noopur.Madan@aec.gov.au]
Sent: Monday, 16 December 2013 1:48 PM
To: allen@etuaustralia.org.au; Orgs; Industrial Elections
Cc: annette@etuaustralia.org.au
Subject: Post-Election report for CEPU National Executive - Casual Vacancies - E2013/288
[DLM=For-Official-Use-Only]

For-Official-Use-Only

For-Official-Use-Only

Attention: Michael Moutevelis
Regulatory Compliance Branch
Fair Work Commission

Dear Mr Hicks,

Re: Post-Election report for CEPU National Executive - Casual Vacancies - E2013/288

I refer to the above election for your organisation.

Section 197(1) of the Fair Work (Registered Organisations) Act 2009 ("the Act") requires the AEC to provide a written report on the conduct of the election to Fair Work Australia and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached. Section 198 of the Act requires that if an organisation or branch is given a post election report under Section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the Fair Work (Registered Organisations) Regulations requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Thanks

Regards

Noopur Madan | Returning Officer
Industrial & Commercial Elections | NSW State Office
Australian Electoral Commission
T: (02) 9375 6321 | F: (02) 9375 6336



RO REPORT
E2013-288.pdf



Declaration of
results unconte...

For-Official-Use-Only

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Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

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

Contact details: Allen Hicks
National Secretary
ETU
PO Box 380, Rosebery
NSW 2018

Email: allen@etuaustralia.org.au
Tel: (02) 9663 3699

FWC contact officer: Michael Moutevelis
Email: michael.moutevelis@fwc.gov.au
Tel: (02) 8374 6614

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2013/288

RULES

Rules used for elections Rule ID: [128V: Incorporates the alterations certified on 16/09/2011 in matter R2011/111]

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

ROLL OF VOTERS N/A

ALLEGATIONS OF IRREGULARITIES RECEIVED

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

Other irregularities identified, and action taken: N/A

ATTACHMENTS

A: Declaration of Uncontested Offices

Noopur Madan
Returning Officer
16 December 2013

**Communications, Electrical, Electronic, Energy,
Information, Postal, Plumbing & Allied Services Union
National Executive members - Vacancy election**

Declaration of Results for Uncontested Offices

E2013/288

Below are 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.

Electrical Division

National Executive Member (2)

Candidates

BUTLER, Steve

GRAY, Troy

Plumbing Division

National Executive Member (2)

Candidates

BROADLEY, David

McCRUDDEN, Patrick

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



Noopur Madan
Returning Officer

13 December 2013





FAIR WORK
COMMISSION

11 November 2013

Mr Alan Hicks
National Secretary
Communications, Electrical, Electronic, Energy, Information,
Postal, Plumbing and Allied Services Union of Australia
PO BOX 380
ROSEBERY NSW 2018

Dear Mr Hicks,

Re: Arrangements for the conduct of an election (E2013/288)

A copy of the decision in relation to the above matter is enclosed.

Fair Work Australia is making arrangements, under subsections 189(3) of the *Fair Work (Registered Organisations) Act 2009*, with the Electoral Commissioner for the conduct of the subject election by a member of staff of the Australian Electoral Commission, who will contact you in the near future about the election.

Yours sincerely

Michael Moutevelis
Assistant Adviser,
Regulatory Compliance Branch
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**
(E2013/288)

MR ENRIGHT

MELBOURNE, 11 NOVEMBER 2013

Arrangement for conduct of election.

[1] On 23 October 2013, the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

National Executive Members

Electrical, Energy and Services Division (2)

Plumbing Division (2)

[2] On 29 October 2013, the Fair Work Commission wrote to the abovenamed organisation to inform them that under section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act) prescribed information must be lodged before the prescribed day, and that as on this occasion the prescribed information was not lodged before the prescribed day, a request for an extension of time would be required.

[3] On 6 November 2013, the abovenamed organisation lodged a written request for an extension of time for lodgement in accordance with s.189(2) of the Act.

[4] 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

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<Price code A, PR543787>

MOUTEVELIS, Michael

From: Orgs
Sent: Monday, 11 November 2013 1:08 PM
To: 'industrial.elections@aec.gov.au'
Subject: E2013/288
Attachments: CEPU E2013_288 letter to AEC_.doc; E2013_288 CEPU NAT EXEC_11112013.pdf

Dear AEC

Please find attached a copy of the decision for the upcoming election of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (E2013/288).

Regards

MICHAEL MOUTEVELIS
Assistant Adviser
Regulatory Compliance Branch

Fair Work Commission
Tel: (02) 8374 6614
Fax: (02) 9380 6990
Email: michael.moutevelis@fwc.gov.au

Level 8, Terrace Tower, 80 William Street, East Sydney NSW 2011

www.fwc.gov.au

Please be aware that my email address has changed to michael.moutevelis@fwc.gov.au, effective 1 January 2013. Please update your records accordingly.

11 November 2013



Electoral Commissioner Through
Australian Electoral Officer (industrial.elections@aec.gov.au)

Under subsection 189 of the Fair Work (Registered Organisations) Act 2009, please arrange for the conduct of the following election by the Australian Electoral Commission:

E No 2013/288

**RE: COMMUNICATIONS, ELECTRICAL, ELECTRONIC, ENERGY, INFORMATION,
POSTAL, PLUMBING AND ALLIED SERVICES UNION OF AUSTRALIA**

Offices: See Decision

Relevant Information: Casual vacancy election.

Contact: Mr Alan Hicks - National Secretary, Communications,
Electrical, Electronic, Energy, Information, Postal, Plumbing
and Allied Services Union of Australia

Phone: (02) 9663 3699

A copy of the decision is enclosed.

I further request that you arrange for this office to be notified that arrangements for the conduct of this election have been made, by email transmission at orgs@fwc.gov.au

Regulatory Compliance Branch
Fair Work Commission

6 November 2013

David Vale
Principal Advisor
Regulatory Compliance Branch NSW
Fair Work Commission
Terrace Tower
80 William St
EAST SYDNEY NSW 2011



Dear Mr Vale

E2013/288 - Arrangements for the Conduct of an Election

I refer to the above and to your correspondence of 20 October 2013. I enclose for your attention:

1. resignation of Ms Nicole Wells;
2. resignation of Mr Rodney Burles;
3. declaration of election for National Secretary

Request for an extension of time & reason why the prescribed information was not lodged before the prescribed day

As previously advised, an election is required to fill a number of casual vacancies on the National Executive. Vacancies on the National Executive are filled via collegiate ballot of the National Council.

I anticipated a convenient time to hold the election would be at the upcoming Annual Conference, not realising this timing brought us within the two month time requirement to lodge the prescribed information. I apologise for this oversight and request an extension of time to lodge the prescribed information.

Resignation of Steven McCarney

I advise that Mr Steve McCarney's term as Branch Secretary of the CEPU Plumbing Division, New South Wales Divisional Branch expired on 12 February 2012 and Mr McCarney did not stand for the office in the scheduled election. Consequent upon this, Mr McCarney ceased to hold office on the CEPU National Council and National Executive.

The CEPU has previously notified the FWC of the current office holders for Branch Secretary, Plumbing Division - NSW Divisional Branch and the members of the National Council. Inadvertently, the changes to National Executive were not notified at the proper time. The National Executive has not met in this period and it has only been in preparation for our upcoming National Council that the oversight has been identified. Upon becoming aware of this oversight, I immediately sought to rectify it with the Commission.

NATIONAL
OFFICE

Allen Hicks
National Secretary

Dan Dwyer
National President

Suite 701, Level 7
5-13 Rosebery Avenue
Rosebery
NSW 2018

Ph: (02) 9663 3699
Fax: (02) 9663 5599

Email:
admin@etuaustralia.org.au

Resignation of Nicole Wells

On 17 September 2012 Ms Nicole Wells resigned from all positions within the CEPU, including relevantly for present purposes:

- as Branch Secretary of the CEPU Electrical Division – Tasmanian Branch;
- CEPU National Councillor; and
- CEPU National Executive member,

thus creating a casual vacancy in each office. As the unexpired portion of Ms Wells term as Branch Secretary and National Councillor did not exceed three quarters of the total term, the casual vacancy was filled by appointment in accordance with the rules of the Union.

On 17 September 2012, the Tasmanian State Council appointed Mr Rodney Burles as Branch Secretary/National Councillor. On 1 March 2013 Mr Burles resigned as Branch Secretary.

On 23 May 2013 the following resolution was passed by the Tasmanian State Council appointing Mr Trevor Gauld as Branch Secretary/National Councillor.

“Resolution 1

After hearing reports from the Divisional President and Divisional Secretary on the search for a suitable replacement to fill the current vacancy for a Branch Secretary, State Council hereby rescinds its previous decision of 1 March 2013 to appoint Peter Tighe as acting Secretary.

State Council want to thank Peter and other officers from Divisional Office for their assistance to the Branch whilst the State Secretaries position was vacant.

In accordance with rule 16.3 Casual Vacancy in Divisional Branches the State Council hereby appoints Trevor Gauld (Roll No: 7021064) to assume all duties, responsibilities, rights and entitlements of the office of Branch Secretary and further appoint Trevor Gauld as Divisional Councillor.

Moved: T Lambert

Seconded: C Onn”

As detailed above, the CEPU has previously notified the FWC of the current office holders on National Council, with the exception of Mr Gauld’s appointment. However, as with the situation concerning Mr McCarney, inadvertently this change was not notified at the proper time. It has only been in preparation for our upcoming National Council that the oversight has been identified.

Election of Allen Hicks as National Secretary

In response to your question regarding the appointment of myself as National Secretary, I advise that:

- on 30 August 2013, the Australian Electoral Commission opened nominations for the position of National Secretary;
- on 13 September 2013, nominations closed for the position; and
- on 18 September 2013, and as per the enclosed declaration, the AEC declared me elected as National Secretary.

In my position as Divisional Secretary of the Electrical, Energy and Services Division, I have identified further oversights in the reporting of changes in divisional offices. I am attending to these as a matter of urgency and will advise the Commission of these changes directly.

Following an extended period of tumult and considerable transition within the Union, the CEPU is now urgently seeking to address any and all outstanding reporting issues. I apologise on behalf of the Union for the lateness of these notifications.

Yours faithfully

A handwritten signature in black ink, appearing to read 'ALHICKS', with a stylized flourish at the end.

Allen Hicks
National Secretary
Attach.

**Communications, Electrical, Electronic, Energy, Information,
Postal, Plumbing & Allied Services Union
Casual Vacancy Election**

Declaration of Results for Uncontested Offices

E2013/E235

Below are 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.

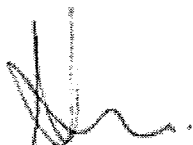
National Council

National Secretary

Candidates

HICKS, Allen

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



Nicole Hoy
Returning Officer
18 September 2013





29 October 2013

Mr Alan Hicks
National Secretary
Communications, Electrical, Electronic, Energy, Information
Postal, Plumbing and Allied Services Union of Australia
PO BOX 380
ROSEBERY NSW 2018

Also by fax: (02) 9663 5599

Dear Mr Hicks

Re: Arrangements for the conduct of an Election (E2013/288)

I refer to the prescribed information dated 22 October 2013 which was lodged with the Fair Work Commission (FWC) on 23 October 2013 for the conduct of an election for the offices of four (4) National Executive Members of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU).

Section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act) states that prescribed information must be lodged before the prescribed day, which under regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*, is two months before the first day when a person may become a candidate. Since s.189(2) is a civil penalty provision and the prescribed information for this election was not lodged before the prescribed day, the Delegate of the General Manager will require a written request for an extension of time and providing reasons why the prescribed information was not lodged before the prescribed day.

In addition we do not appear to have copies of resignations from Nicole Wells and Steve McCarney. Could you arrange to provide copies to FWC of the two resignations to assist with finalising a Decision for the election.

Finally, recent correspondence from the 2013 Annual Return lodged by the CEPU states that on 22 July 2013 you were appointed as Divisional Secretary of the Electrical Energy and Services Division of the CEPU. Further, we were informed that on 23 July 2013 Mr Tighe resigned as the National Secretary of the CEPU and that a ballot of the National Council was to occur. Could you provide the FWC with a statement as to the circumstances of your appointment or election as National Secretary. Please bear in mind the need to notify the FWC within 35 days of any changes to the list of office holders pursuant to section 233(2) of the Act.

Yours sincerely-

David Vale
Principal Adviser,
Regulatory Compliance Branch, NSW
Fair Work Commission

MOUTEVELIS, Michael

From: Orgs
Sent: Wednesday, 23 October 2013 11:44 AM
To: 'industrial.elections@aec.gov.au'
Subject: E2013/288
Attachments: CEPU NAT E2013_288 PI lodged_23102013.pdf; 128V CEPU Federal 128V_R2011 111.pdf

Dear AEC

Please find the prescribed information and a copy of the current rulebook for an upcoming election of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (E2013/288).

Regards

MICHAEL MOUTEVELIS
Assistant Adviser
Regulatory Compliance Branch

Fair Work Commission

Tel: (02) 8374 6614
Fax: (02) 9380 6990
Email: michael.moutevelis@fwc.gov.au

Level 8, Terrace Tower, 80 William Street, East Sydney NSW 2011

www.fwc.gov.au

Please be aware that my email address has changed to michael.moutevelis@fwc.gov.au, effective 1 January 2013. Please update your records accordingly.

22 October 2013

The General Manager
The Fair Work Commission
Level 8, Terrace Tower
80 William St
EAST SYDNEY NSW 2011

Dear Sir



National Executive – Casual Vacancies

Pursuant to ss182 and 189 of the *Fair Work (Registered Organisations) Act 2009*, the CEPU requests that the Fair Work Commission arrange for the Australian Electoral Commission to conduct an election to fill four casual vacancies on the National Executive.

NATIONAL OFFICE

This election is necessary due to the resignation of the following National Executive members:

- Bernie Riordan – Secretary, New South Wales Branch - Electrical, Energy and Services Division;
- Nicole Wells - Secretary, Tasmanian Branch - Electrical, Energy and Services Division;
- Tony Murphy –Assistant Secretary Victorian Branch - Plumbing Division; and
- Steve McCarney –Secretary, New South Wales Branch - Plumbing Division

Allen Hicks
National Secretary

Dan Dwyer
National President

Election of the National Executive is prescribed by rule 13A of Section A of the organisation's rules and more specifically, casual vacancies are prescribed by rule 15.2. Rule 15.2 requires the election to be conducted by a postal ballot of the National Councillors from the relevant Division. Despite this requirement, it may be more efficient and expedient to conduct the ballot as an attendance ballot, as our next National Council meeting is due to be held in Melbourne on 18-19 November 2013. The ballot for all positions could be completed at this meeting.

Suite 701, Level 7
5-13 Rosebery Avenue
PO Box 380
Rosebery NSW 2018

Ph: (02) 9663 3699
Fax: (02) 9663 5599

Attached to this letter (Attachment A) is the prescribed information pursuant to s.189(1) and reg 138.

Email:
admin@nat.cepu.asn.au

Yours faithfully

Allen Hicks
National Secretary
Attach.

Cc. Earl Setches, Divisional Secretary Plumbing Division

Prescribed Information for an Election
s.189(1) Fair Work (Registered Organisations) Act 2009 ("the Act")

The CEPU wishes to conduct an election for four positions on the CEPU National Executive. This election is for four offices, two from the Electrical, Energy and Services Division and two from the Plumbing Division with the electorate being the National Councillors from the relevant Division.

For subsection 189(1) of the Act, the following information is prescribed information for an election conducted for an office, or for a position other than an office:

- (a) **The name of each office or position for which an election is required;**
The name of the position for which an election is required is member of the National Executive.
- (b) **Reason for the election**
The need for this election arises from the resignations of four officers from the organisation, creating four casual vacancies on the National Council.
- (c) **Offices with the same name and number of such offices;**
An election is required to fill the positions of four National Executive members.
- (d) **Electorate;**
The electorate for the two Executive members representing the Electrical, Energy and Services Division comprises members of the National Council representing that Division and the electorate for the two Executive members representing the Plumbing Division comprises members of the National Council representing that Division.
- (e) **Date of the commencement and expiry of the nomination period;**
As this is an election to fill casual vacancies on the National Executive, the Union requests that the nominations of candidates for the election be held at a date and time to be determined by the returning officer.
- (f) **The day provided for in the rules of the organisation as the day on which the roll of voters is to be closed;**
As this is a college election of the National Council, the preparation of a roll of voters is not required.
- (g) **Voting system:**
The voting system to be used in the conduct of this election is a collegiate electoral system.

Statement that Information is lodged under s189(1) of the Act

I confirm that the above information is lodged under s189(1) of the Act.



Allen Hicks
National Secretary