



**Australian Government**  
**Registered Organisations Commission**

27 June 2017

Mr Allen Hicks  
National Secretary  
CEPU

Email: [Annette@etuaustralia.org.au](mailto:Annette@etuaustralia.org.au)

Dear Mr Hicks,

**Failure to fill positions – election matter E2017/75**

I refer to your letter to the Registered Organisations Commissioner dated 14 June 2016 and received by the Registered Organisations Commission ('the Commission') on that day.

In your letter you advise that three of the offices that were the subject of election matter E2017/75 remain unfilled after a second attempt to elect persons to those offices, and request the Commission's advice as to the action you should take regarding the positions.

The Commission considers that, as a matter of law, organisations should endeavour to fill offices established by their rules. However, where it becomes apparent to an organisation that particular offices cannot be filled, i.e in circumstances where multiple elections have been conducted and offices remain unfilled, the organisation should consider what further action might be appropriate.

The complexity of course arises in defining the point at which some other action or consideration is required and this will depend upon an assessment of the circumstances in each case.

This might involve consideration by an organisation of a range of issues including, but not limited to:

- the number of unsuccessful elections held for any office;
- any potential reasons for the difficulty in filling the office (it may be for example that an office has previously been held by a particular individual for an extensive period);
- whether it would be appropriate to raise awareness about and encourage nominations by providing potential nominees with information and training;
- whether there is or may be a trend or pattern to the positions which remain unfilled and what that might indicate;
- whether or not the vacancies affect the quorate functioning of the organisation;
- whether or not the offices are required to achieve the representativeness required by the organisation;
- whether or not a restructure involving the abolition of the offices to better match the current membership of the organisations and its needs would be appropriate; and
- how long remains of the period of the nominal term before the next scheduled election;

Depending on the particular circumstances of the vacancy, the Commission would not expect an organisation to lodge further prescribed information and request a further election in relation to (i) any unfilled offices about which it was actively engaged in forming the above prudential judgments, or (ii) any offices which it was actively taking steps to amend, restructure or abolish

under its rules. In examples of multiple elections failing to fill offices, the Commission would expect an organisation to form such judgments and/or take such steps within a reasonable period while keeping extensive records and transparently advising its members about these matters.

I encourage organisations to actively engage with the Commission as appropriate during the process and to inform the Commission of any developments, including by reference to a transparent approach of publishing of relevant information on the the website of the organisation for the information of its members.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'CE', with a small horizontal line extending to the right.

Chris Enright  
Executive Director  
Registered Organisations Commission

**From:** KELLETT,Stephen  
**Sent:** Tuesday, 27 June 2017 2:11 PM  
**To:** 'Annette@etuaustralia.org.au'  
**Subject:** Election E2017/75 - unfilled offices - request for advice - considerations  
[SEC=UNCLASSIFIED]

Dear Annette,

Please see attached a copy of the Executive Director's letter in reply to the correspondence from Mr Hicks received on 14 June 2017.

Yours faithfully

**STEPHEN KELLETT**  
Senior Adviser  
Financial Reporting  
**Registered Organisations Commission**

Tel: (02) 6746 3283  
Email: [stephen.kellett@roc.gov.au](mailto:stephen.kellett@roc.gov.au)

GPO Box 2983, MELBOURNE VIC 3001 | Level 13, 175 Liverpool Street, Sydney NSW 2000

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**Australian Government**  
**Registered Organisations Commission**

Please consider the environment before printing this



letter Director to  
CEPU 270617.pdf

**From:** Annette Moran [<mailto:Annette@etuaustralia.org.au>]  
**Sent:** Wednesday, 14 June 2017 11:13 AM  
**To:** ROC - Registered Org Commission  
**Subject:** HPRM: ON CMS E2017/75 CEPU National Executive Recall Election

[E2017/75](#)

Please find attached letter from Allen Hicks regarding E2017-75.

Kind regards, Annette

Annette Moran  
CEPU National Governance & Compliance Officer

Please note: I work Mondays to Thursdays – if you require assistance on a Friday please contact the office.

**CEPU**

Suite 408, Level 4, 30 – 40 Harcourt Pde, Rosebery NSW 2018  
Ph: 02 9663 3699 | Fax: 02 9663 5599 | [www.cepua.asn.au](http://www.cepua.asn.au)



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E2017-75 CEPU 170614 Ltr fr AH to  
Election - DeclarationROC NE Vacancies.pdf

14 June 2017

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

Via email: [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

Dear Mr Bielecki,

**E2015/215 and E2017/75 – National Executive Election**

With reference to the above, I attach:

- E2017/75 – Declaration of results for Uncontested Offices

Please be advised that with respect to the following positions, despite conducting a recall election, the following positions failed to gain a nomination:

- Communications Division – Telecommunications and Information Technology Industry Group
  - Affirmative Action Member;
  - Alternate Affirmative Action Member;
  - Alternate Member

As this was the second attempt to fill these positions and it would seem a costly and possibly pointless exercise to conduct yet another election to fill the positions. Accordingly, we seek the advice of the ROC as to what we should do regarding these positions.

Yours sincerely



Allen Hicks  
NATIONAL SECRETARY



NATIONAL OFFICE

**Allen Hicks**  
National Secretary

Suite 408, Level 4  
30-40 Harcourt Parade  
PO Box 380  
Rosebery NSW 2018

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

Email:  
[admin@etuaustralia.org.au](mailto:admin@etuaustralia.org.au)



**Australian Government**  
**Registered Organisations Commission**

29 May 2017

Mr Allen Hicks  
National Secretary  
CEPU

Email: [Annette@etuaustralia.org.au](mailto:Annette@etuaustralia.org.au)

Dear Mr Hicks,

**Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Registered Organisations Commission ('the Commission') a declaration of results for the election E2017/75. This letter is a reminder of certain obligations imposed on organisations and persons elected to office.

Section 154D(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the rules of organisations (and branches of organisations) to require each new holder of office with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that if applicable, the new holder of office undertakes approved training within the required timeframe and is advised of the obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, as provided for in your organisation's rules.

I note that the organisation lodged a notification of the changes to its records in respect of this holder of office in accordance with sub-section 233(2) of the RO Act on 26 May 2017.

If you have any questions, I may be contacted on (02) 6746 3283 or by email at [stephen.kellett@roc.gov.au](mailto:stephen.kellett@roc.gov.au)

Yours sincerely

A handwritten signature in black ink that reads "Stephen Kellett".

Stephen Kellett  
Financial Reporting

**From:** KELLETT,Stephen  
**Sent:** Monday, 29 May 2017 3:32 PM  
**To:** 'Annette@etuaustralia.org.au'  
**Subject:** Attention Mr Allen Hicks - result - E2017/75 - obligations - reminder [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Dear Annette,

Please see attached my letter in relation to the above.

Yours faithfully

**STEPHEN KELLETT**  
Senior Adviser  
Financial Reporting  
**Registered Organisations Commission**

Tel: (02) 6746 3283  
Email: [stephen.kellett@roc.gov.au](mailto:stephen.kellett@roc.gov.au)

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**Australian Government**  
**Registered Organisations Commission**

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CEPU National  
E2017 75 post result

**From:** Ben Murray [<mailto:Ben.Murray@aec.gov.au>]  
**Sent:** Tuesday, 30 May 2017 4:19 PM  
**To:** ROC - Registered Org Commission  
**Cc:** Annette Moran  
**Subject:** ON CMS E2017/74 E2017/75 CEPU Post Election Report and Declaration of Results

[E2017/74](#)

[E2017/75](#)

Dear Orgs Team,

Please find attached the post-election report for the above named CEPU elections and the Uncontested Declarations.

Regards,  
Benjamin Murray

**Mr. Ben Murray | Senior Returning Officer**  
Fee for Service Elections | VIC State Office  
Australian Electoral Commission  
T: +61 3 9285 7129 | F: +61 3 9285 7149



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E2017-75 CEPU



E2017-75 - Post



E2017-74 CEPU



E2017-74 - Post

Election - Declaration Election Report - CE Election - Declaration Election Report - CEP



29 May 2017

# Post-election Report

**E2017/75 – CEPU Election – Vacancies  
(Insufficient Nominations from E2015/215)**

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## Election(s) Covered in this Report

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Election Decision No/s: E2017/75

## Rules

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Rules used for the election: [128V: Incorporates the alterations certified on 06/03/2017 in matter R2016/324]

Rules difficult to apply/interpret: None

## Roll of Voters

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As there were no contested offices, no Roll of Voters was required.

## Irregularities

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No irregularities

## Other Matters

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None

## Attachments

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- 1) Declaration of results for Uncontested Offices

Benjamin Murray  
Returning Officer  
30 May 2017

**From:** Ben Murray [<mailto:Ben.Murray@aec.gov.au>]  
**Sent:** Wednesday, 24 May 2017 1:00 PM  
**To:** Annette Moran  
**Cc:** ROC - Registered Org Commission  
**Subject:** ON CMS E2017-75 CEPU Election - Declaration of Results [SEC=UNCLASSIFIED]

[E2017/75](#)

Hi Annette,

Please find the attached declaration for the CEPU election (E2017/75).

Regards,  
Ben

**Mr. Ben Murray | Senior Returning Officer**

Fee for Service Elections | VIC State Office

Australian Electoral Commission

T: +61 3 9285 7129 | F: +61 3 9285 7149



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E2017-75 CEPU  
Election - Declaration



E2017-75 CEPU  
Election - Declaration



**Reference:** V17/109

Mr Allen Hicks  
National Secretary  
CEPU  
Suite 408, Level 4  
30-40 Harcourt Parade  
ROSEBERY NSW 2018

Dear Mr Hicks,

**Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing & Allied Services  
Union of Australia  
Casual Vacancies (Insufficient Nominations – E2015/215) - National Executive  
E2017/75**

The declaration of the election for uncontested offices is attached.

The election is now complete.

Yours sincerely

Benjamin Murray  
Returning Officer

24 May 2017

cc all candidates

Communications, Electrical, Electronic, Energy, Information,  
Postal, Plumbing & Allied Services Union of Australia  
Insufficient Nominations E2015/215 - Vacancies - National Executive

Declaration of Results for Uncontested Offices

E2017/75

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 Executive

Communication Division (Telecommunications and Information Technology Industry Group)

National Executive Affirmative Action Member (1)

Candidates

*No nomination was received*

Alternate National Executive Member (2)

Candidates

*O'CONNELL, Peter*

No further nomination was accepted

Alternate National Executive Affirmative Action Member (1)

Candidates

*No nomination was received*

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



Benjamin Murray  
Returning Officer

24 May 2017



# 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** (E2017/75)

MR ENRIGHT

MELBOURNE, 23 MARCH 2017

*Arrangement for conduct of election.*

[1] On 20 March 2017, the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (‘the organisation’) lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

### **National Executive**

#### **Communications Division** (Telecommunications and Information Technology Industry Group)

National Executive Affirmative Action Member	(1)
Alternate National Executive Member	(2)
Alternate National Executive Affirmative Action Member	(1)

[2] The above-named offices were unfilled at a previous scheduled election<sup>1</sup> due to no nominations having been received.

[3] I note that a considerable time, approximately 15 months, has elapsed since the declaration of results by the Australian Electoral Commission in that election, on 1 December 2015. Whilst neither the Act nor the rules of the organisation provide a specific time by which a fresh election should be called to fill, as in this case, offices that have not been filled due to insufficient nominations at an earlier election, I consider it could be reasonably expected that a fresh election would have been called much earlier, consistent with the organisation’s obligation to take reasonable steps to fill vacant offices.<sup>2</sup> This is especially the case where the offices to be filled are on a significant management body such as the National

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<sup>1</sup> E2015/215

<sup>2</sup> *Re Ruth Margaret Geneff v FE Peterson; Brendan Wood; L Farrelly; T Bryden; J Drever; R Broomfield; C George; R Smith; K Boyd; P McGarry; K Collins and the Clothing and Allied Trades Union of Australia* [1986] FCA 432; 19 IR 40 (5 December 1986) at 129; cf. also *Re Shirley Mellor v Noel Horn; Doug Anderson; Brian Elton; Colin Hardie; Jim Moore; Russell Dummett; Steve King; Sandy Baldwin; Kathy Newcombe and Tony Sheldon* [1988] FCA 214; 25 IR 157 (24 June 1988) at 23

Executive. The organisation should keep this in mind where offices fail to be filled due to insufficient nominations, in future elections.

[4] I am satisfied that an election for the above-named 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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**From:** KELLETT, Stephen  
**Sent:** Thursday, 23 March 2017 10:47 AM  
**To:** 'Annette Moran'  
**Subject:** Election - National Executive - recall - unfilled offices - E2017/75 - granted

Dear Annette,

Please see attached a copy of the Delegate's decision in relation to the above.

Yours faithfully

**STEPHEN KELLETT**  
Regulatory Compliance Branch  
**FAIR WORK COMMISSION**

80 William Street  
EAST SYDNEY NSW 2011

(ph) (02) 6746 3283  
(mob.) 0429 462 979  
(email) [stephen.kellett@fwc.gov](mailto:stephen.kellett@fwc.gov)



E2017 75 CEPU  
Decision.pdf

**From:** KELLETT, Stephen  
**Sent:** Thursday, 23 March 2017 10:58 AM  
**To:** 'Industrial Elections'  
**Subject:** Election - CEPU - National Executive - unfilled offices (recall) - E2017/75 - granted

Dear Electoral Officer,

Please see attached a copy of the Delegate's decision in relation to the above.

Yours faithfully

**STEPHEN KELLETT**  
Regulatory Compliance Branch  
**FAIR WORK COMMISSION**

80 William Street  
EAST SYDNEY NSW 2011

(ph) (02) 6746 3283  
(mob.) 0429 462 979  
(email) [stephen.kellett@fwc.gov](mailto:stephen.kellett@fwc.gov)



E2017 75 CEPU  
Decision.pdf

**From:** KELLETT, Stephen  
**Sent:** Tuesday, 21 March 2017 5:01 PM  
**To:** 'Industrial Elections'  
**Subject:** Election - CEPU - National Executive - prescribed information - E2017/74 (casual vacancies) - E2017/75 (recall due to insufficient nominations)

Dear Electoral Officer,

Please see attached a copy of a request in relation to an election. I attach the covering letter, the Statement and prescribed information notice.

I have allocated two separate E matter numbers, the first (E2017/74) to track the election to fill the four casual vacancies on the National Executive, as a result of recent resignations, the second (E2017/75) to track the election to fill the four National Executive offices unfilled at the previous related election E2015/215 due to no nominations having been received. (The letter and Attachment referred within the same sentence to "*casual vacancies* (sic)...*due to the inability to fill some offices at the last election*".)

The offices described within the prescribed information (Attachment A) that constitute the casual vacancies are highlighted in yellow as follows:

**National Executive Member**

Electrical, Energy and Services Division (1); [resignation S Butler]

Communications Division (2)

- Postal Services Industry Group Member; [resignation J Metcher]

- Telecommunications & Information Technology Industry Group - Affirmative Action Member

**Alternate National Executive Member**

Communications Division (5)

- Postal Services Industry Group – Alternate Member (1); [resignation P Hughes]

- Postal Services Industry Group – Alternate Affirmative Action Member (1) [resignation L-M Bahls]

- Telecommunications & Information Technology Industry Group – Alternate Members (2)

- Telecommunications & Information Technology Industry Group - Alternate Affirmative Action Member (1)

The offices highlighted in blue are those offices that constitute the offices unfilled in election E2015/215.

My allocation of two election matter numbers is to make more transparent the FWC election record for the two categories during the current term of office and is in no way intended to imply that the election process for all eight positions should not be a single process consistent with such arrangements as determined by the AEC.

I can provide you copies of the relevant resignations if you require them. If you have any questions, please do not hesitate to contact me.

Yours faithfully

**STEPHEN KELLETT**  
Regulatory Compliance Branch  
**FAIR WORK COMMISSION**

80 William Street  
EAST SYDNEY NSW 2011

(ph) (02) 6746 3283

(mob.) 0429 462 979

(email) [stephen.kellett@fwc.gov](mailto:stephen.kellett@fwc.gov)



s189 Prescribed  
Info\_CEPU NE CV EleStatement\_CEPU NE



Reg 138



170320 Ltr fr AH to  
IFWC att Request for E

**From:** Annette Moran [<mailto:Annette@etuaustralia.org.au>]

**Sent:** Monday, 20 March 2017 4:27 PM

**To:** Orgs

**Subject:** CEPU Request to the FWC for the AEC to Conduct an Election to fill casual Vacancies on the National Executive

Please find attached:

- Letter from National Secretary, Allen Hicks;
- Regulation 138 Statement;
- s189 prescribed information; and
- relevant letters of resignation

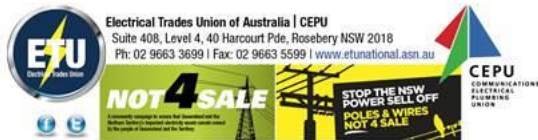
concerning a request from the CEPU to the Fair Work Commission to request that the Australian Electoral Commission conduct an election to fill casual vacancies on the National Executive.

Kind regards,

Annette Moran

Governance & Compliance Officer

Please note: I work Mondays to Thursdays – if you require assistance on a Friday please contact the office.



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20 March 2017

Via email: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

Mr David Vale  
Principal Advisor – Regulatory Compliance Branch NSW  
Fair Work Commission  
Level 8, Terrace Towers  
80 William St  
EAST SYDNEY NSW 2011



**COMMUNICATIONS  
ELECTRICAL  
PLUMBING  
UNION**

Dear Mr Vale

**Filling of Casual Vacancies on the CEPU National Executive**

I refer to the above and attach for your attention:

- Resignation of Mr Steve Butler - Secretary, NSW Branch of the Electrical, Energy and Services Division;
- Resignation of Mr Phil Hughes - Secretary, Queensland Branch of the Communications Division;
- Resignation of Ms Lisa-Maree Bahls - Alternate Affirmative Action Delegate from the Communications Division; and
- Resignation of Mr Jim Metcher – Secretary, NSW Postal and Telecommunications Branch of the Communications Division.

NATIONAL OFFICE

**Greg Rayner**  
National President

**Allen Hicks**  
National Secretary

These officials are all members of the CEPU National Executive and their resignations have caused casual vacancies on the National Executive.

Pursuant to ss182 and 189 of the *Fair Work (Registered Organisations) Act 2009* (the Act), the CEPU requests that the Fair Work Commission (FWC) arrange for the Australian Electoral Commission (AEC) to conduct an election to fill these casual vacancies on the National Executive. This election is necessary due to the abovementioned resignations.

In addition, the CEPU requests that the FWC arrange for the AEC to conduct an election to fill casual vacancies on the National Executive due to the inability to fill some offices at the last election.

Casual vacancies on the National Executive are prescribed by Section A rule 15.2 which requires:

*15.2.1 Where a casual vacancy occurs on the National Executive, it shall be filled by an election conducted by postal ballot of the relevant National Councillors of the Division or Industry Group in which the vacancy occurs.*

Attached to this letter (Attachment A) is the prescribed information pursuant to s.189 and regulation 138 of the Act.

Yours faithfully

Allen Hicks  
NATIONAL SECRETARY

Suite 408, Level 4  
30-40 Harcourt Parade  
PO Box 380  
Rosebery NSW 2018

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

Email:  
[admin@etuaustralia.org.au](mailto:admin@etuaustralia.org.au)

Prescribed information for elections pursuant to the  
*Fair Work (Registered Organisations) Act 2009 s.189*  
& regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009*

**Statement**

I, Allen Hicks, of level 4, Suite 408, 30-40 Harcourt Parade, Rosebery, NSW 2018  
state as follows:

1. I am the National Secretary of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU).
2. I am an officer authorised to make a statement pursuant to regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009* with respect to elections to fill casual vacancies on the CEPU National Executive.
3. Elections are required for the offices specified in attachment A.
4. This information is lodged under s.189 of the *Fair Work (Registered Organisations) Act 2009*.

Dated: 20 March 2017



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Allen Hicks  
NATIONAL SECRETARY

*Fair Work (Registered Organisations) Act 2009*  
*Fair Work (Registered Organisations) Regulations 2009*

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

**National Executive – Election to fill Casual Vacancies**

*Prescribed information pursuant to section 189(1) & regulation 138*

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**a. Name of each office for which an election is required**

- National Executive member (3)
- Alternate National Executive Member (5)

**b. Reason for the election**

The need for this election arises out of the resignations of three officers from the organisation, and the inability to fill vacancies on the Executive at the last election.

**c. Offices with the same name and the number of offices**

- **National Executive Member**

Electrical, Energy and Services Division (1);

Communications Division (2)

- Postal Services Industry Group Member;
- Telecommunications & Information Technology Industry Group - Affirmative Action Member

- **Alternate National Executive Member**

Communications Division (5)

- Postal Services Industry Group – Alternate Member (1);
- Postal Services Industry Group – Alternate Affirmative Action Member (1)
- Telecommunications & Information Technology Industry Group – Alternate Members (2)
- Telecommunications & Information Technology Industry Group - Alternate Affirmative Action Member (1)

**d. Electorate**

- The positions are to be elected by the college of the relevant National Councillors of the Division or Industry Group in which the vacancy occurs.

**e. Date of commencement and expiration of nomination period**

- As this is an election to fill casual vacancies on the National Executive, the organisation requests that the commencement and closure of the nominations for the election be held at a date and time to be determined by the Returning Officer from the Australian Electoral Commission.

**f. Day on which the roll of voters is to close**

- As this is an election to fill casual vacancies on the National Executive, the organisation requests that the roll of voters close at a date and time to be determined by the Returning Officer from the Australian Electoral Commission.

**g. Voting system**

- This is a collegiate election determined by a secret postal ballot of the relevant National Councillors of the Division or Industry Group in which the vacancy occurs.