

**Communications, Electrical, Electronic, Energy,
Information, Postal, Plumbing & Allied Services Union
Postal Divisional Section**

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election for the following offices conducted in accordance with Section 189 of Schedule 1B of the Workplace Relations Act 1996 and the rules of the organisation

E No. 128 of 2004

Branch Committee of Management Member 1

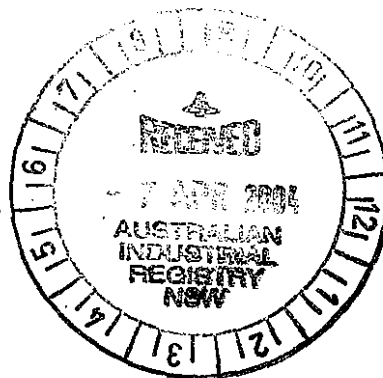
Candidates

No nomination was received



Ron Mann
Returning Officer

7 April 2004



WORKPLACE RELATIONS ACT 1996
s189 RAO Schedule - arrangement for conduct of an election

**Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and
Allied Services Union of Australia
(E2004/128)**

B. R. JENKINS
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 8 MARCH 2004

DECISION

On 25 February 2004 the abovenamed organisation lodged in the Industrial Registry prescribed information in relation to an election to fill the following casual vacancy:

Tasmanian Postal And Telecommunications Branch

Postal Divisional Section

Branch Committee of Management Sectional Representative (1)

I am satisfied that an election for the abovenamed office is required to be held under the rules of the organisation and, under subsection 189(3) of Schedule 1B of the Workplace Relations Act 1996, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



WORKPLACE RELATIONS ACT 1996
s189 RAO Schedule - arrangement for conduct of an election

**Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and
Allied Services Union of Australia
(E2004/128)**

B. R. JENKINS
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 8 MARCH 2004

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Postal Divisional Section

Branch Committee of Management Sectional Representative (1)

I am satisfied that an election for the abovenamed office is required to be held under the rules of the organisation and, under subsection 189(3) of Schedule 1B of the Workplace Relations Act 1996, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



AIRC SYDNEY 61 2 93806990

(AUTO)

THE FOLLOWING FILE(S) ERASED

FILE	FILE TYPE	OPTION	TEL NO.	PAGE	RESULT
037	MEMORY TX		0362287557	07/07	OK

ERRORS

- 1) HANG UP OR LINE FAIL
- 2) BUSY
- 3) NO ANSWER
- 4) NO FACSIMILE CONNECTION



AUSTRALIAN INDUSTRIAL REGISTRY

Level 8, Terrace Towers
 50 William Street, East Sydney, NSW 2011
 Telephone: (02) 8374 6666
 Fax: (02) 9360 6990

FACSIMILE

TO	Peter Miller, Branch Secretary		
Organisation	CEPU Communications Division, P&T Tasmanian Branch		
Fax Number	03 6228 7557	Phone Number	
FROM	Peter McKerrow		
Location	AIR Sydney		
Fax Number	02 9380 6990	Phone Number	02 8374 6666
No of Pages (including cover)	3	Date	23/02/2004
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MESSAGE:

Dear Mr Miller

Re: E2004/128



AUSTRALIAN INDUSTRIAL REGISTRY

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990

Mr Peter Miller
Branch Secretary
CEPU Communications Division
Postal and Telecommunications Group Branch
105 New Town Road
NEW TOWN TAS 7008

Dear Mr Miller

**Re: Arrangements for the conduct of an Election
(E2004/128)**

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

The Registrar is making arrangements, under subsection 189(3) of Schedule 1B of the *Workplace Relations Act 1996*, 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

Peter McKerrow
for Deputy Industrial Registrar

8 March 2004

AIRC SYDNEY 61 2 93806990

(AUTO)

THE FOLLOWING FILE(S) ERASED

FILE	FILE TYPE	OPTION	TEL NO.	PAGE	RESULT
070	MEMORY TX		0362287557	03/03	OK

ERRORS

1) HANG UP OR LINE FAIL 2) BUSY 3) NO ANSWER 4) NO FACSIMILE CONNECTION



AUSTRALIAN INDUSTRIAL REGISTRY

Level 6, Terrace Towers
80 William Street, East Sydney, NSW 2011
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Fax: (02) 9380 6990

FACSIMILE

TO	Mr Peter Miller		
Organisation	CEPU Communications Division, Tasmanian P&T Group Branch		
Fax Number	03 6228 7557	Phone Number	
FROM	Peter McKerrow		
Location	AIR Sydney		
Fax Number	02 9380 6990	Phone Number	02 8374 6666
No of Pages (including cover)	3	Date	8/03/2004
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MESSAGE:

McKERROW, Peter

From: McKERROW, Peter
Sent: Monday, 8 March 2004 3:50 PM
To: 'industrial.elections@aec.gov.au'
Subject: E2004/128 decision



E2004 128
dec.pdf



AUSTRALIAN INDUSTRIAL REGISTRY

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990

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

Under subsection 189 of Schedule 1B of the Workplace Relations Act 1996, please arrange for the conduct of the following election by the Australian Electoral Commission:

E No 2004/128

Re: Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia - Communications Division, Tas. Postal and Telecommunications Branch

POSITIONS:

See Decision

Relevant Information:

Contact: Mr Peter Miller, Branch Sec. P&T Group

Phone: (03) 6228 0098

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 industrial.elections@air.gov.au

for Deputy Industrial Registrar

8 March 2004

PR944308

WORKPLACE RELATIONS ACT 1996
s189 RAO Schedule - arrangement for conduct of an election

**Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and
Allied Services Union of Australia
(E2004/128)**

B. R. JENKINS
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 8 MARCH 2004

DECISION

On 25 February 2004 the abovenamed organisation lodged in the Industrial Registry prescribed information in relation to an election to fill the following casual vacancy:

Tasmanian Postal And Telecommunications Branch

Postal Divisional Section

Branch Committee of Management Sectional Representative (1)

I am satisfied that an election for the abovenamed office is required to be held under the rules of the organisation and, under subsection 189(3) of Schedule 1B of the Workplace Relations Act 1996, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



From: PATERSON, Alana
Sent: Monday, 1 March 2004 4:51 PM
To: 'industrial.elections@aec.gov.au'
Subject: CEPU E2004-128

Please find attached prescribed information and current rule book.



CEPU

E2004-128.pdf



CEPU

nications 128V-(

Communications Electrical and Plumbing Union

Communications Division

Tasmania Branch

105 New Town Road, New Town 7008

E-mail: cdtas@cepu.asn.au

Phone: (03) 62280098

Fax: (03) 62287557



24 February, 2004

Australian Industrial Registry
GPO Box 1232M
HOBART 7001

Statement and Notice of Prescribed Information under Regulation 138

I, Peter Miller, Tasmanian Communications Division, Postal and Telecommunications Group Branch Secretary of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services (CEPU Communications P&T Group), make the following statement;

I am the Branch Secretary of the Tasmanian Communications Division (Postal and Telecommunications Group), of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services.

I am authorised to lodge the following prescribed information concerning forthcoming election in the Tasmanian Branch of the CEPU Communications P&T Group, and

I confirm that the following information is being lodged under subsection 189(1) of the RAO Schedule.

A handwritten signature in black ink, appearing to read 'Peter Miller'.

Peter Miller
Branch Secretary P&T Group
Communications Division CEPU

Position

Postal Group Representative, Branch Committee of Management (1)

Reasons for election:

Election for this position is required to fill a casual vacancy due to the resignation of one postal group representative member (see attached resignation).

Elected by

Direct voting system and in accordance with Rule 69 (e) first post the post; and (f) voting confined to members attached to the Postal Group of the branch.

Nominations Open and Close:

Date to be determined by the Returning Officer.

- (j) If more valid nominations are received than there are vacancies for a position, the Branch Returning Officer shall have ballot papers printed and delivered to him/her containing the names of the candidates for each position arranged in the order they are drawn, indicating the number to be elected for each position, the manner in which votes shall be recorded and the date and the time of the closing of the ballot, such date and time being not later than 12 Noon on the thirtieth day of June in the year of the election or on the first working weekday following should the thirtieth day of June fall on a holiday or weekend and indicating the ballot shall commence on the first day of June or the first working weekday following that date in the year of the election.

69 - BRANCH ELECTIONS

- (a) The election of Officers of the Branch Committee of Management and of other Officers required to be elected under this Rule shall be conducted by the Branch Returning Officer by secret postal ballot of financial members of the Branch. Except in the case of the TOA Branch Committee of Management Members, the positions referred to in 68(b) and (c) shall be elected by secret postal ballot of financial members of the relevant Divisional Section.

The ballot shall close at 12 noon on the thirtieth day of June in the year of the election or on the first working weekday following should the thirtieth day of June fall on a holiday or weekend and shall commence on the first day of June or the first working weekday following that date in the year of the election.

- (b) The Branch Returning Officer shall prepare a roll of voters who on the fourteenth day before the date determined under sub-rule (a) for the issuing of ballot papers are entitled to vote in the election. The Branch Returning Officer shall add to or delete from the roll of voters so prepared the names and addresses of persons who on or before 30 June become or cease to be entitled to vote in the election respectively. He/she shall at the place where he/she carries out his/her function as Returning Officer make the roll of voters available for inspection by members or persons authorised by him/her during the ordinary hours of business in the period between the commencement of the election and declaration of the result.
- (c) The official designation of any candidate and/or the section in which he/she is employed shall not be permitted to appear on any ballot paper issued by the Branch Returning Officer.
- (d) The Branch Returning Officer shall:
- (i) be responsible for the safe custody of the ballot papers;
 - (ii) obtain from the printer a certificate of the number of ballot papers printed;
 - (iii) initial every ballot paper prior to its distribution;
 - (iv) (A) forward by pre-paid post in an envelope having as few distinctive characteristics as possible to each member entitled to vote:
 - (1) such ballot paper or ballot papers as is or are appropriate for the purpose of the election;
 - (2) a pre-paid or business reply paid envelope having as few distinctive characteristics as possible addressed to the Returning Officer at a Post Office Box number designated by him/her;

- (3) an envelope capable of insertion in the outer envelope referred to in (ii) above, such envelope to have provision on the outside of the envelope for the member to fill in the member's name and address and to sign his or her signature;
 - (4) an envelope marked 'ballot paper only' capable of insertion in the envelope referred to in (3) above;
 - (5) voting instructions, printed either on the ballot paper referred to in (1) above or on a separate sheet of paper, containing such voting instructions as the Returning Officer considers necessary or desirable including an instruction that the completed ballot paper should be inserted in the envelope referred to in (4) above, the envelope sealed and inserted into the envelope referred to in (3) above, the name, address and signature to be completed on the envelope referred to in (3) above, the envelope sealed and enclosed in the outer envelope referred to in (2) above and returned by post to the Returning Officer. Such instructions shall make clear that the process of counting by the Returning Officer shall eliminate any possibility of ascertainment of a member's identity.
- (B) at the time of forwarding of ballot papers and other documents referred to in (A) above and, subject to the employer corporations approval, 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 distribution of ballot papers and a statement that any member entitled to vote who does not receive a ballot paper by a date specified by the Returning Officer in his/her discretion, being a date some date after projected posting and before counting begins, to report such non receipt to the Returning Officer;
- (v) control a ballot box provided for the receipt of ballot papers and in the presence of the scrutineers if they desire to be present to see that the box is empty immediately prior to the opening of the ballot and thereupon seal the said box and to ensure that it remains sealed, until the time fixed for the closing of the ballot;
- (vi) (A) after the closing date of the ballot in the presence of scrutineers appointed pursuant to Rule 72(c) to open each envelope referred to in (d)(iv)(A)(2) above which has been returned to him/her, examine the section of the envelope referred to in (d)(iv)(A)(3) above, strike the name of the member appearing thereon off the roll as having voted in the election, and subject to (B) below, admit the inner envelope marked 'ballot paper only' containing the ballot paper to the count after removing it from the outer envelope;
- (B) conduct prior to the removal of the inner envelope marked 'ballot paper only', in the presence of scrutineers, a random check of the signatures appearing on the outer envelope by comparing approximately one signature in every one hundred votes of the signature appearing in the organisation's records, provided the Returning Officer shall have a complete discretion to check any additional signatures as he/she thinks fit;
- (C) engage, if he/she thinks fit, the services of a Bank Officer, or such other person skilled in the comparison of signatures, to assist him/her in decisions relating to signatures, providing that the Returning Officer shall be the final judge of whether the envelope has been signed by the member named therein;

- (D) after processing each of the envelopes referred in (A) above, to remove the ballot papers admitted to the count from the envelopes marked 'ballot paper only' and proceed to count the ballot;
 - (E) no envelope referred to in (d)(iv)(A)(3) above shall be admitted to the count if the envelope has not been filled up or has not been filled up to an extent sufficient in the opinion of the Returning Officer to enable him/her to be satisfied as to the identity of the member casting such vote;
 - (F) to retain for a period of twelve months after completion of an election the roll of voters, and each envelope and the ballot paper referred to above;
 - (G) the Returning Officer for the purposes of carrying out the matters set out in (A), (B), (C) and (E) above may require the relevant Branch Secretary to provide him/her with reasonable access to the Branch Membership Records at such and for such period or periods of time as he/she might reasonably require. Such access shall not be or deemed to be possession for the purposes of (F) or the provisions of the Industrial Relations Act though any copies of such membership records, or parts thereof, made by or on behalf of the Returning Officer and coming into his/her possession shall be retained for a period of twelve months in accordance with the provisions of the Industrial Relations Act or pursuant to (F) above as the case may be.
 - (H) wherever in this Rule there is reference to the Returning Officer such expression shall include any of his/her staff or any person duly authorised by him/her or on his/her behalf to conduct or assist in the conduct of any of the said elections or any part thereof.
- (vii) following the close of nominations in the year of election the Returning Officer shall declare the results of the ballot as a whole or as far as it has progressed and submit a report to the Branch Secretary. On completion of the ballot for the remaining positions, the Returning Officer shall declare the result of the ballot and submit a full report to the Divisional Secretary indicating the number of ballot papers printed, the number distributed, the number on hand, and any other relevant matters.
- (e) The system of voting adopted by a Branch shall be known as first past the post and shall allow for an order of preference to be indicated by the voter so that in the event of the elimination of a candidate or candidates an effective vote may still be cast. In the event of the votes of two or more candidates, one of whom is sitting Officer, being equal, the sitting Officer shall be declared to be elected. In other cases of equal voting the Returning Officer shall determine the ballot by drawing lots. Where a member votes and his/her intention is clear, his/her vote will be included in the count. This intention may be indicated by a cross or a tick or a number.
- (f) Except in the case of the TOA Branch, the election of Branch Committee of Management Members shall be conducted by the Branch Returning Officer in a similar manner to the election of other Officers of the Branch; provided that in the election of these Members the voting shall be confined to members attached to the respective Divisional Sections, a list of whose names shall be supplied by the Branch Secretary.
- (g) One member from each Divisional Section, elected by a General Meeting, shall be present as scrutineers during the counting of the ballot.

70 - FILLING BRANCH VACANCIES - SHORT TERM

- (h) Branches shall provide, by resolution of the Branch Committee of Management for the election of Delegates and/or Alternate Delegates to any body, having a state-wide character and with which a Branch is affiliated. Alternate Delegates so elected shall be entitled to act in the unavoidable absence of Delegates. Delegates and/or Alternate Delegates to these bodies shall be elected at such time and place as may be determined by the Branch from time to time. Nominations of Alternate Delegates shall be called for and made as an office and be elected in a separate ballot from that of Delegates and the ballots for these positions shall be conducted by the Branch Returning Officer by a secret ballot of the Branch Committee of Management.

Representatives and Deputy Representatives on Promotions Appeal Boards constituted by the Postal and Telecommunications Commissions shall be elected by the Branch Committee of Management in the same manner as provided for in this sub-rule. Nominations for all such positions shall be called for as provided in these Rules.

- (i) Any candidate for election to a position on the Branch Committee of Management or any other position which is included in the ballot at the Biennial Election of Officers may, on payment of a sum of \$10 and within seven days of the declaration of the poll or ballot, lodge with the Secretary of the Branch to which he/she is attached a demand for a recount, with the right to appoint his/her own scrutineer, and upon receipt of such demand the Secretary shall arrange within seven days for a recount to take place. In the event of the recount result being in favour of the person seeking the recount, the sum of \$10 shall be refunded to the person concerned.
- (j) The Branch Returning Officer may take action and give such directions as he/she considers necessary in order to ensure the secrecy of the ballot and that no irregularities occur in or in connection with the election or to remedy any inconsistency or inadequacy that arises in the application of the Rules in the conduct of the election.
- (k) Circulars on behalf of candidates shall not bear the word "Official" and shall be authorised by at least one member of the Division.

70 - FILLING BRANCH VACANCIES - SHORT TERM

- (a) In the event of any Branch Officer or Branch Committee of Management position becoming vacant for any reason less than twelve (12) months before the date of the closing of the ballot for the next election as provided by Rule 69, the vacancy shall be declared vacant by the Branch Committee of Management within seven (7) days and shall be filled by appointment of the Branch Committee of Management within one (1) month of the declaration of the vacancy.
- (b) No person shall be eligible to be appointed to a position unless such person shall have been a continuously financial member of the Branch for a period of not less than twelve (12) months immediately prior to the date of such a declaration. In the case of the vacancy being for a position referred to in 68 (b) the person appointed must be a financial member of the Divisional Section in which the vacancy exists as at the date of declaration. In the case of Divisional Section positions in the Telecommunications and Services Branches the position shall be filled by appointment of the members of the Branch Committee of Management from the relevant Divisional Section.
- (c) A person appointed under this Rule to the Branch Committee of Management shall hold office until the completion of the Branch ballot next following the filling of the said vacancy referred to in Rule 69 and if nominating for the same office or position at the next Branch ballot shall be deemed to be the holder of that office or position in accordance with Rule 4 (j).

Special Provisions Postal and Telecommunications Positions

- (d) Notwithstanding the provisions of Rules 70 and 71, in the event of any Branch Officer or Branch Committee of Management position from the Postal and/or Lines and General Divisional Sections becoming vacant for any reason, and the unexpired part of the term is less than twelve (12) months or three quarters of the term of office before the dates of the closing of the ballot for the next election as provided by Rule 69, whichever is the greater, the vacancy shall be declared vacant by the Branch Committee of Management within seven (7) days and shall be filled by appointment of the Branch Committee of Management within one (1) month of the declaration of the vacancy.

71 - FILLING BRANCH VACANCIES - LONG TERM

- (a) Notwithstanding the provisions of Rule 70, if a Branch Officer or Branch Committee of Management position becomes vacant for any reason twelve months or more before the date of the closing of the ballot for the next Branch elections as provided for by Rule 69, the position shall be filled by secret postal ballot of the financial members of the Branch or Divisional Section in the manner prescribed by this Rule. The vacancy shall be declared by the Branch Committee of Management at its next meeting following the occurrence of the vacancy. For all the above offices other than Divisional Section Committee of Management Member the election shall be by secret postal ballot of financial members of the Branch. For all the above officers other than those referred to in 68 (b) the election shall be by secret postal ballot of financial members of the Branch. For a position referred to in 68 (b) the election shall be by secret postal ballot of financial members of the relevant Divisional Section.
- (b) Except as provided by sub-rule (c) of this Rule, the election shall be conducted in the same manner as and subject to the provisions of Rules 68 and 69.
- (c) (i) Nominations shall be called for by notice published in either a Divisional Executive journal or a Branch Circular.
- (ii) Nominations shall close at 12 noon on a date to be determined by the Returning Officer, provided that the date so determined shall be not less than fourteen days after the publication referred to in paragraph (i) of this sub-rule and not more than thirty days after the office is declared vacant.
- (iii) For the purpose of this Rule nominators, candidates and members otherwise entitled to vote must be financial as provided in Rule 4 (h) as at the date on which nominations close. Candidates must have been financial members of the Branch for not less than twelve (12) months as at the date on which nominations close.
- (iv) The ballot shall close at a time and date to be fixed by the Returning Officer but not more than thirty days after the close of nominations.
- (v) The provisions of Rule 69 (e) and (f) and Rule 72 (c) shall be applicable to an election conducted under this sub-rule.
- (vi) At the completion of an election the Branch Returning Officer shall, subject to this Rule, declare the result of the ballot and submit to the Branch Secretary a full report on the ballot indicating the number of ballot papers printed, the number distributed, the number on hand, and any other relevant matters.

Special Provision Postal and Telecommunications Positions

- (d) Notwithstanding the provisions of Rule 70 and 71, if a Branch Officer or Branch Committee of Management position from the Postal and/or Lines and General Divisional Sections becomes vacant for any reason, and the unexpired part of the term is more than twelve months or three quarters of the term of office before the dates of the closing of the ballot for the next Branch elections as provided for by Rule 69, whichever is the greater, the position shall be filled by secret postal ballot of the financial members of the Branch or Divisional Section in the manner prescribed by this Rule.

The vacancy shall be declared by the Branch Committee of Management at its next meeting following the occurrence of the vacancy. For all the above officers other than those referred to in Rule 68(b) the election shall be by secret postal ballot of financial members of the Branch. For a position referred to in Rule 68(b) the election shall be by secret postal ballot of financial members of the relevant Divisional Section.

- (e) A person elected under this Rule to Branch Office or Branch Committee of Management position shall hold office until the completion of the Branch ballot next following the filling of the said vacancy and if nominating for the same office or position at the next Branch ballot shall be deemed to be the holder of that office or position in accordance with Rule 4 (j).

71A - CASUAL VACANCIES-BRANCH OFFICERS-FULL TIME POSITIONS

- (a) Notwithstanding anything contained in Rules 70 and 71, where an office of a full-time officer (other than the position of a full-time Branch President or a full-time Branch Secretary) becomes vacant more than 56 days prior to the opening of nominations for the next election of the office concerned as provided by Rule 68.

(i) In the case of Telecommunications and Services Branches, a General Meeting may resolve to abolish the office. Where a General Meeting is not scheduled within one calendar month of the office becoming vacant, or is called but lapses for lack of a quorum, the Committee of Management shall be empowered to resolve to abolish the office.

(ii) In the case of Postal and Telecommunications Branches, the Branch Committee of Management may resolve to abolish the office.

- (b) Where the abolition of an office referred to in sub-rule (a) would result in no Divisional representation for a particular Division in the Branch office:

(i) In the case of Telecommunications and Services Branches, a General Meeting may resolve to abolish the office or convert the office to an Honorary office. Where a General Meeting is not scheduled within a calendar month of the office becoming vacant, or it is called for but lapses for want of a quorum, the Branch Committee of Management shall be empowered to resolve to abolish the office, or to convert the office to an honorary office.

(ii) In the case of Postal and Telecommunications Branches, the Branch Committee of Management may resolve to abolish the office, or to convert the office to an honorary office.

- (c) Where the Branch General Meeting or Committee of Management, as the case may be, resolves to abolish an office or to convert an office to an honorary office as referred to in sub-rule (a) or (b) hereof, the Branch Secretary shall refer the resolution to the Divisional Secretary who shall in accordance with Rule 11(b) submit to Divisional Conference within 14 days:



AUSTRALIAN INDUSTRIAL REGISTRY

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990

FACSIMILE

TO	Peter Miller, Branch Secretary		
Organisation	CEPU Communications Division, P&T Tasmanian Branch		
Fax Number	03 6228 7557	Phone Number	
FROM	Peter McKerrow		
Location	AIR Sydney		
Fax Number	02 9380 6990	Phone Number	02 8374 6666
No of Pages (including cover)	7	Date	23/02/2004
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MESSAGE:

Dear Mr Miller

Re:E2004/128

The Industrial Registry has received your letter of 19 February 2004 addressed to the Australian Electoral Commission concerning a proposed election in your organisation.

Requests to the Industrial Registrar for him to make arrangements to conduct an election must be made in accordance with the Workplace Relations Act and Schedule 1B to the Act, the Registration and Accountability of Organisations Schedule.

I have attached a Fact Sheet which explains these provisions and includes a "checklist" for the information your organisation must provide the Registrar.

As soon as you lodge the necessary information, the matter will be put to the Registrar for his consideration. If you have any queries, please call me on (02) 8374 6509.


Peter McKerrow
Asst. Manager
NSW Registry

Registration and Accountability of Organisations Legislation Fact Sheet

Elections in Organisations and their Branches

The Registration and Accountability of Organisations Schedule (Schedule 1B to the *Workplace Relations Act 1996*) [**the RAO Schedule**], generally comes into operation on 12 May 2003. The RAO Schedule contains most of the matters previously dealt with in the body of the *Workplace Relations Act 1996* [the Act], which relate to the registration and functioning of organisations of employers and employees under the Act. The *Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002* [**the RAOCP Act**], deals with various transitional provisions arising from the introduction of the Schedule.

Main Changes

New provisions concerning elections take effect from 12 May 2003. These new provisions are set out in **sections 182 to 199 of the RAO Schedule, and regulations 131 to 146 of the workplace Relations (Registrations and Accountability of Organisations) Regulations (the RAO Regulations)**.

The statutory scheme for elections in organisations, which has existed since 1989, continues. The Registrar is still required to arrange for the conduct of elections for offices by the Australian Electoral Commission (AEC), with provision being made for exemptions, however there have been some important changes.

The main changes are as follows:

Notification of elections

The AEC is now formally authorised to conduct elections for *non-office* positions in organisations and branches (ss182(3) and 187).

Election notifications now require *more detailed reasons* for the election to be stated as well as *the closing day for the roll of voters*¹ as provided for under the rules of the organisation².

**Note concerning exemptions:* the existing exemption provisions have been retained at s183 and exemptions issued under the previous legislation will continue.

Conduct of elections

Secret postal ballots for an office must use a *prescribed declaration envelope* (s188)

The *Register of members* must be supplied to Returning Officer (on demand) (s191)

Organisations and branches are prohibited from using their property and resources to *favour* one candidate over another candidate in an election (s190)

Post-election reports by AEC (this is a new requirement)

AEC must provide a *post-election report* to the Industrial Registrar and the organisation (or branch) for which the election was conducted (s197)

An organisation (or branch) must *respond* to adverse post-election reports and *make available* relevant information to members (s198)

Organisation's rules concerning elections

Provision has now been made for the adoption of *model election rules* (s147)

Rules of organisations must now provide the *closing day for the roll of voters* - being a day no earlier than 30 days and no later than 7 days before the day nominations open (s143(3)).

Inquiries into elections by Federal Court of Australia

The AEC has new responsibilities to apply for inquiries, by the Federal Court of Australia, into alleged irregularities in elections for offices of organisations (s200).

The two issues that most directly involve the obligations of the Industrial Registry concerning elections, being Notification of elections and Post-election reports are discussed in more detail below. A sample notice of prescribed information, set out according to the new provisions, is also provided.

NOTIFICATION OF ELECTIONS

The general requirement that all elections for office holders of organisations and branches be conducted by the AEC through arrangements made by the Registrar continues to apply under the RAO Schedule (s182(1)). The expense of conducting such elections is borne by the Commonwealth.

Section 189 of the RAO Schedule requires the Registrar to arrange for the conduct of an election by the AEC once the prescribed information has been lodged. Before arranging for the conduct of the election, *the Registrar must be satisfied that an election is required to be held under the rules of the organisation*. This criteria reflects the terms of the previous legislation. Where the election is for a 'non-office' position, the Registrar must also be satisfied that the organisation (or branch) has made a request under s187.

Note: further information concerning elections for non-office positions is provided below.

Organisations to notify Registrar of prescribed information

The prescribed information required to be lodged in the Registry to trigger the arrangements for the AEC to conduct an election has been modified to include notification of the following:

- *non-office positions,*
- *the reason for the election being:*
 - the term of the office or position has expired or is due to expire in the normal course of events; or
 - a casual vacancy in the office or position has occurred or will occur imminently; or
 - a new office or position has been created; or
 - the office or position was not filled at the previous election. (see Reg 136(1)(b)),
- *the day provided for in the rules, being the day on which the roll of voters is to be closed.*³

The above information is in addition to the existing requirement that the name and numbers of each office or position be provided as well as the identification of the electorate, the dates and times for the opening and closing of nominations and specification of the voting system to be used (whether by a direct voting system or a collegiate electoral system).

A sample notification of prescribed information is attached at the end of this facts sheet

Elections for 'non-office' positions

A new provision has been introduced to formalise arrangements for the *AEC to conduct elections for non-office positions*.

Prior to the commencement of the RAO Schedule there was no formal mechanism to make arrangements for the AEC to conduct non-office elections, even though it may have been a requirement of an organisation's rules.

Under subsection 182(3) and section 187 of the RAO Schedule, organisations and branches can now request elections to be conducted by the AEC for positions in the organisation and branches that are not the holders of an office as defined under section 9 of the RAO Schedule. In such circumstances, as long as proper notice is given to the AEC and lodged with the Industrial Registrar, and the rules of the organisation require such an election, then the AEC must conduct the election.

It should be noted that an election for non-office positions will remain exempt from the Federal Court's jurisdiction relating to inquiries into election irregularities (s200).

Exemption from using AEC

The provisions for exempting organisations or branches from the requirement to use the AEC for the conduct of elections has been replicated at ss182(2), 183, 184, 185 and 186 of the RAO Schedule.

Exemptions previously granted remain in force

Exemptions previously granted under section 213 of the *Workplace Relations Act 1996* are preserved by operation of the transitional provisions⁴.

POST-ELECTION REPORTS

Section 197 of the RAO Schedule requires the AEC to provide a written *post-election report* on the conduct of the election to the Industrial Registrar and to the organisation or branch for whom the election was conducted.

Contents of post-election report

If the AEC is *of the opinion* that the register of members made available to it for the purposes of a postal ballot contained an unduly large proportion of members' addresses that were not current or comprised workplace addresses, then the AEC must state that in the report (s197(3)).

Similarly, if the AEC is *of the opinion* that a particular rule was *difficult to interpret or apply* it must note that fact and must also refer to any relevant model rules, which in the opinion of the AEC, could assist the organisation or branch to address the matter (s197(4)).

Certain other details that must be included in the *post-election report* are:

- the declaration of the result of the election
- the number of written allegations (if any) of irregularities made to the AEC during the election
- action taken by the AEC in relation to those allegations
- any other irregularities identified by the AEC and action taken by the AEC in relation to those other irregularities (reg 141)

Post-election report to be given to Industrial Registrar and organisation (or branch)

The *post-election report* is to be given to the Industrial Registrar and the organisation or branch for whom the election was conducted within 30 days of the completion of the election (reg 141).

The *AEC must publish a notice on its website* advising that a copy of the report can be obtained on the request of a member who was eligible to vote in the election (reg 141).

Post-election reports will not apply to an election that commenced (i.e. nominations opened) prior to the commencement of the RAO Schedule (that is, prior to 12 May 2003)⁵.

Availability of post-election reports

In the case of elections which require a ballot, the AEC must advise each voting member of an organisation of the availability of a post-election report from the organisation or branch, or from the AEC, on the request of a member (reg 139). In addition, an organisation or branch that has a website must, as soon as practicable after receiving the post-election report, publish on its website a notice of the availability of a copy of such report (reg 141(4)).

Organisation or branch to respond to adverse post-election reports

An organisation or branch must provide a written response to the AEC within 30 days of receipt in the case of a post-election report which identified *rules that were difficult to interpret or apply*. (s198). If the report does identify such rules, this part of the report is referred to as the *relevant extract* (s198(3)).

Organisation or branch only required to respond if post-election report identifies difficult rules

If the post-election report of the AEC is not adverse and does not contain a *relevant extract* that refers to difficult rules then the organisation (or branch) is not required to take any further action.

Publication of "relevant extract" of AEC post-election report and publication of organisation or branch response to such extract - by journal or newspaper or website

An organisation or branch in receipt of an adverse post-election report concerning difficult rules must make available to its members the *relevant extract* of the AEC report and a copy of its *response*.

Section 198 and regulations 141 and 142 provide for the ways in which the availability of the AEC's relevant extract and the organisation's response is to be publicised to the membership. The general requirement is that the material is to be made available within 30 days of receiving the report from the AEC or by publishing the material in the next edition of the organisation or branch journal where it is reasonably practicable to do so. Without limiting the ways in which an organisation or branch complies with the publication requirements of subsection 198(3) an organisation or branch will comply if it does all of the following:-

- the organisation or branch is to publish the relevant extract and its response in the next edition of the organisation or branch journal that it is reasonably practicable to do so, and
- within 30 days give notice that free copies of the relevant extract and response is available to members who were eligible to vote in the election - this notice is to be published either in the next edition of the organisation or branch journal where it is reasonable practicable to do so or in an appropriate newspaper that covers the relevant geographic area, and
- the organisation or branch is to publish its response to the AEC report on its website (if it has one) within 14 days of giving this response to the AEC (reg 142(2)).

Relevant extract and response to be lodged in Registry

An organisation or branch must also lodge in the Industrial Registry a copy of the relevant extract and its response together with a *declaration* undertaking to provide a copy of the relevant extract and the response to any member on request (s198(6)).

Increased security of ballot material and new offences

The powers of electoral officials conducting elections have been strengthened to help ensure the security of ballot papers and so reduce the scope for irregularities or procedural defects (s193).

New Offences

The RAO Schedule introduces several new offences in relation to elections.

* Bribery and interference - it is an offence to interfere with ballot papers, bribe a person, or threaten a person with violence or loss, for example to withdraw a nomination to stand for office or to vote in a particular way (s185).

* Use of violence - it is an offence to use violence or cause injury or loss to a person who has objected to an organisation's application for an exemption from the requirement that its elections be conducted by the AEC (s185).

* Assistance of candidates - it is an offence for an organisation's property to be used to help one candidate against another candidate in an election for office or other position (s190).

This material has been prepared by the Australian Industrial Registry as a general guide to the Workplace Relations (Registration and Accountability of Organisations) legislation. This material should not be treated as advice on the circumstances of any particular case. This material does not have any legal status; the relevant law is set out in Schedule 1B to the Workplace Relations Act 1996 (the RAO Schedule), the RAO Schedule Regulations, and the Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002.

SAMPLE

Statement and Notice of Prescribed Information under Regulation 138

I, John Smith, Victorian Branch Secretary of the Australasian Workers Union, make the following statement:

I am the Victorian Branch Secretary of the Australasian Workers Union,

I am authorised to lodge the following prescribed information concerning forthcoming elections in the Victorian Branch of the Australasian Workers Union, and

I confirm that the following information is being lodged under subsection 189(1) of the RAO Schedule.

Signed: John Smith, Victorian Branch Secretary of the Australasian Workers Union

Dated: 15 May 2003

Offices/Positions

A	<i>Branch President (Direct voting system)</i>
	<i>Branch Vice-Presidents (2) (DVS)</i>
	<i>Branch Secretary (DVS)</i>
	<i>Branch Treasurer (DVS)</i>
	<i>Branch Executive Committee Members (15) (DVS)</i>
	<i>Branch Delegates to National Council (5 together with Branch Secretary who is ex officio a member of National Council) (Collegiate election)</i>
B	<i>Branch Councillors (2) (DVS)</i>
C	<i>Branch Assistant Secretary (DVS)</i>
D	<i>Branch Representatives to Trades Council (2) (Collegiate)</i>
	<i>Branch Representative to ACTU (Collegiate)</i>

Reasons for election:

election for offices and positions marked A and D respectively is required as the terms of office are due to expire in the normal course of events under the rules of the organisation.

election for offices marked B is required to fill casual vacancies that have recently occurred (documentary information relating to the resignation of the persons holding the offices of Branch Councillor is enclosed)

election for the office marked C is required because this is a new position that has been created under the rules.

Elected by:

The electorate for the direct voting system is the whole of the Branch.

The electorate for collegiate electoral system is by and from the Branch Committee (totalling 21 persons)

Nominations open:

For offices to be elected by direct voting system - the first Monday in June

For offices to be elected by collegiate election - at the AGM in September

Nominations close:

For offices to be elected by direct voting system - 12 noon, first Friday in July

For offices to be elected by collegiate election - at the AGM in September

Cut off date for roll: in all cases: 7 days prior to the opening date for nominations - rule 22(g).

[The above sample Notice and Statement would satisfy each of the particulars required under s189(1) and subregulations 138(1)(a)-(g). The Notice and Statement are required to be lodged at least 2 months before the first day of nominations as set out in the rules of the organisation - a Registrar may allow for a later day - see subsection 189(2) and subregulations 138(2) and (3). The requirement to lodge election information under s189(2) is a civil penalty provision - s305 refers.]

1 Section 143(1)(e)(i) makes a new requirement, that for all direct voting system elections, the rules must make provision for the day on which the roll of voters closes. That day must be between 7 and 30 days before nominations open [s143(3)].

2 Item 26 of the relevant transitional provisions (the RAOCP Act) prevents the Industrial Registrar from reviewing the rules of organisations for any new requirements imposed by the RAO Schedule for a period of 6 months from the commencement of the RAO Schedule (that is, by 12 November 2003).

3 See footnotes 1 and 2 above

4 Item 2 of Part 1 of Schedule 1 of the *Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002* provides:

"An authorisation, certificate, decision, declaration, determination, direction, exemption, injunction, order, notice or permission that:

(a) was made, given or granted under a repealed provision; and

(b) was in force immediately before commencement;

continues in force on and after commencement as if it had been made, given or granted under the corresponding provision of the RAO Schedule."

5 Item 34 of Part 1 of Schedule 1 of *Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002*.

**CEPU Communications Division
Postal & Telecommunications
Tasmanian Branch**



COMMUNICATIONS
ELECTRICAL
PLUMBING
UNION

19 February, 2004

Mr Peter Weldon
Returning Officer
Australian Electoral Commission
GPO Box 1098
HOBART 7001

Dear Sir,

CEPU COMMUNICATIONS DIVISIONAL ELECTIONS 2003 - P&T TASMANIA

In accordance with the requirements of the Industrial Relations Act, I hereby request that arrangements be made for the Australian Electoral Commission to conduct an election for the vacant position of 1 Postal Committee Member - Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU) - Communications Division, Postal and Telecommunications, Tasmanian Branch.

Position	Number	Term of Office	Electorate
Branch Committee of Management - Postal Rep	1	01-08-2003 to 31-07-2005	All Postal Tas. Branch Members

(declared vacant, by the Committee of Management 10th February, due to resignation of Ian Kerslake from this position due to election to the position of Vice-President - copy attached)

Yours sincerely

Peter Miller
BRANCH SECRETARY

**COMMUNICATIONS, ELECTRICAL, ELECTRONIC, ENERGY,
INFORMATION, POSTAL, PLUMBING & ALLIED SERVICE
UNION OF AUSTRALIA**

Communications Division - Postal & Telecommunications Group Tasmania

Minutes of Committee of Management meeting No. 2004/02 held 10th February 2004. at 105 New Town Road, New Town commencing at 5:15 pm

ATTENDANCE: M Sumner, P Minehan, P Miller, D Moore, M Graham, N Conway, G Colbeck, P Jewell, B Porthouse and I Kerslake

APOLOGIES: G Nagy

MINUTES:

04.02.01 Moved P Miller Seconded G Colbeck

That the minutes of meeting No. 2003/05 as circularised be endorsed.

CARRIED

BUSINESS ARISING:

Nil

QUESTIONS WITHOUT DISCUSSION:

Nil

REPORTS:

OBSERVER/GUEST SPEAKER - Tony Absolom

04.02.02 Moved P Miller Seconded N Conway

That we suspend standing orders to allow Divisional Office Industrial Officer Tony Absolom address the meeting on telecommunications matters

CARRIED

Unresolve compensation

Work levels - particularly issues of appropriate training and appropriate pay for skills performed

Salary Sacrifice

Contracting

Job Losses

OH&S Delegate Network

Anti-Privatisation Campaign

04.02.03 Moved M Graham Seconded P Minehan

That standing orders be resumed.

CARRIED

04.02.04 Secretary's -- by Peter Miller - Postal Issues

Sick Leave

Overtime

Emergence of aggressive management style across Post in all states

EBA6

