



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:

Peter Tighe
Divisional Secretary
Electrical Division
Communications, Electrical,
Electronic, Energy, Information,
Postal, Plumbing and Allied
Services Union of Australia

Email: Peter@nat.cepu.asn.au
Tel: 02 9663 3699

AIR contact officer:

David Vale

Email: Industrial.elections@fwa.gov.au
Tel: 02 8374 6509

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2011/2591

RULES

Rules used for elections Rule ID: [128V-ELE: Incorporates alterations of 13/04/2011 in matter R2011/43]

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

ROLL OF VOTERS

Total number of voters on the roll	56394	
Number of apparent workplace addresses	200	0.35 %
Number of non-current addresses	282	0.5 %
Other Matters	None	

ALLEGATIONS OF IRREGULARITIES RECEIVED

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

Roll of Voters:

One candidate alleged that the Victorian branch state secretary had distributed material to QLD and NSW voters that did not relate to this election by obtaining the roll of voters meant for this election. He also alleged this was a breach of Regulation 131(6) of the *Fair Work*

(Registered Organisations) Act 2009 (the Act) and they requested the Returning Officer (RO) investigate this matter.

Action

The RO is not authorised to investigate breaches of the Act and was not convinced that these actions may have led to an irregularity and therefore took no action. The complainant was advised to contact the Australian Federal Police or Department of Education, Employment and Workplace Relations, who have responsibility for administering the Fair Work legislation.

Other irregularities identified, and action taken:

How to vote material

The Full Charge team distributed how to vote material which incorrectly instructed voters to place the Victorian ballot papers in the declaration envelope sign it and post it in the reply paid envelope and follow the same process with the National Ballot and advised “*be careful not to mix up the Victorian and National Envelopes*”. The instructions provided by the RO on the ballot paper and declaration envelope were to place all ballot paper/s in the declaration envelope. Each voter was only issued with one declaration envelope which is usual practice. The risk was that voters might send ballot papers outside the declaration envelope which could not be admitted to the count.

Action:

The RO issued a letter to all Victorian members of the CEPU electrical branch to advise them of the correct procedures for return of ballot material and to contact the RO if they had already voted. The RO took action under S193 of the Act to implement procedures to ensure that any member who believed they may have been misled by the h-t-v, was able to exercise their proper franchise.

ATTACHMENTS

A: Declaration of Contested Offices

Noopur Madan
Returning Officer
23 September 2011

Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing & Allied Services Union Scheduled Election - Electrical Division

DECLARATION OF RESULTS FOR CONTESTED OFFICES

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.

E2011/2591

Electrical Division

Total number of persons on the roll of voters	56317
Ballot papers issued	56317
Duplicate ballot papers issued	335
TOTAL BALLOT PAPERS ISSUED	56652
Ballot papers / envelopes returned for scrutiny	27778
Less ballot papers / envelopes rejected at preliminary scrutiny (including ballot papers not returned)	831
Adjusting Balance	+1
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	26948
Percentage of ballot papers returned to number issued	49%
Ballot papers returned as unclaimed mail	449
Ballot papers not returned	28425



Divisional Secretary

<u>Candidates</u>	<u>Votes</u>
WORTHING, Howard	12148
TIGHE, Peter	14573
Total votes	26721
Formal ballot papers	26721
Informal ballot papers	227

I declare Peter Tighe elected.

Assistant Divisional Secretary

<u>Candidates</u>	<u>Votes</u>
HICKS, Allen	14687
WILTON, Greg	11985
Total votes	26672
Formal ballot papers	26672
Informal ballot papers	276

I declare Allen Hicks elected.

Noopur Madan
Returning Officer

2 September 2011



Fair Work Australia

17 June 2011

Mr Peter Tighe
Divisional Secretary
Electrical, Energy and Services Division
Communications, Electrical, Electronic, Energy, Information,
Postal, Plumbing and Allied Services Union of Australia
PO BOX 380
ROSEBERY NSW 2018

Dear Mr Tighe

**Re: Arrangements for the conduct of an Election
(E2011/2591)**

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

Carolyn Moloney
Fair Work Australia



FAIR WORK
AUSTRALIA

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
(E2011/2591)

T. NASSIOS

MELBOURNE, 17 JUNE 2011

Arrangement for conduct of election.

[1] On 7 June 2011 the Electrical, Energy and Services Division of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

DIVISIONAL COUNCIL

Divisional Secretary	(1)
Assistant Divisional Secretary	(1)

[2] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA

Printed by authority of the Commonwealth Government Printer

<Price code A, PR510344 >

MOLONEY, Carolyn

From: MOLONEY, Carolyn
Sent: Friday, 17 June 2011 12:10 PM
To: 'industrial.elections@aec.gov.au'
Subject: E2011/2591
Attachments: E2011_2591 signed Electrical Decision_17062011 .pdf; E2011_2591_CEPU ELE Divisional Council letter to AEC_17062011.doc

Dear AEC

Please find attached a copy of the Decision for the upcoming election of the Electrical, Energy & Services Division of the CEPU in election E2011/2591.

Kind regards,

CAROLYN MOLONEY
RIA Team Administrative Officer

Fair Work Australia
Tel: 02 8374 6637
Fax: 02 9380 6990
carolyn.moloney@fwa.gov.au

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

www.fwa.gov.au



FAIR WORK
AUSTRALIA

17 June 2011

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

Under subsections 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 2011/2591

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

Positions:

See Decision

Relevant Information: Divisional Council Officers; Direct voting system; Scheduled election.

Contact: Peter Tighe, Divisional Secretary, Electrical Energy & Services Division,
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 industrial.elections@fwa.gov.au

David Vale
Fair Work Australia

MOLONEY, Carolyn

From: MOLONEY, Carolyn
Sent: Tuesday, 7 June 2011 4:14 PM
To: 'industrial.elections@aec.gov.au'
Subject: E2011/2591
Attachments: CEPU E2011_2591 PI lodged 07062011.pdf; 128V CEPU Electrical_R2011_43_13042011.pdf

Dear AEC

Please find attached the prescribed information and a copy of the current rulebook for an upcoming election of the CEPU (Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia), Electrical, Energy and Services Division. (E2011/2591).

Kind regards,

CAROLYN MOLONEY
RIA Team Administrative Officer

Fair Work Australia
Tel: 02 8374 6637
Fax: 02 9380 6990
carolyn.moloney@fwa.gov.au

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

www.fwa.gov.au

E2011/2891



Electrical Trades Union

7 June 2011

General Manager
Fair Work Australia
Level 8, Terrace Towers
80 William Street
East Sydney NSW 2011

Att: David Vale

**Re: Request for an election pursuant to Section 182 & 189 of the
Fair Work (Registered Organisations) Act 2009**

Dear Sir,

Please be advised that the Electrical, Energy and Services Division of the CEPU in accordance with Divisional Rule 15 of the Union is required to conduct our quadrennial elections in July of 2011.

Accordingly, pursuant to the above sections of the Act the Division requests formally that Fair Work Australia arrange for the Australian Electoral Commission to conduct our Divisional Quadrennial election.

I have attached to this correspondence (Attachment A) the prescribed information required by section 189(1) and regulation 138. I would appreciate your attention to this matter.

Yours faithfully,

Peter Tighe
Divisional Secretary

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

Peter Tighe
Divisional Secretary

John Ingram
Assistant Secretary

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

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

Email:
edno@nat.cepu.asn.au

Website:
www.cepu-electrical.asn.au

Attachment A

The Fair Work (Registered Organisations) Act 2009
prescribed information pursuant to Section 189(1)

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

- 1) Divisional Secretary
- 2) Assistant Divisional Secretary

b. **Reason for the election**

The terms of office have expired

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

N/A

d. **Electorate**

The positions are to be elected by the following electorates:

Position	Electorate
Divisional Secretary	All financial members of the division
Assistant Divisional Secretary	All financial members of the division

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

Nominations open on the 4th of July 2011 and close on the 11th of July 2011

f. **Day provided that roll of voters is to be closed**

27th June 2011

g. **The kind of voting system to be used to conduct the election**

Direct Election

The Fair Work (Registered Organisations) Act 2009
prescribed information pursuant to Regulation 138

I, Peter Tighe, state that I am the officer authorised to make a statement pursuant to s 189(1) of *The Fair Work (Registered Organisations) Act 2009* with respect to the election of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU) – Electrical, Energy and Services Division 2011 Quadrennial Elections.

The information required by reg. 138 is appended as Attachment "A"

Signed:



Mr Peter Tighe