



**AEC**

**Australian Electoral Commission**

Fair Work (Registered Organisations) Act 2009

**RETURNING OFFICER - POST ELECTION REPORT**

**Client:** Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing & Allied Services Union (CEPU)

Electrical, Energy and Services Division, Tasmanian Divisional Branch.

**Contact details:** Nicole Wells  
Divisional Branch Secretary  
CEPU - Electrical, Energy and Services Division  
105 New Town Rd  
New Town TAS 7008

**Email:** info@ceputas.com.au

**Tel:** 03 6228 0098

**AIR contact officer:** James Hall

**Email:** industrial.elections@fwa.gov.au

**Tel:** (02) 8374 6641

**ELECTIONS COVERED IN THIS REPORT**

**Election Decision No/s:** E2011/2599 & E2011/2629

**Election:** Divisional Branch Elections (3 Stages)

**Returning Officer:** Michael Horwood

**RULES**

**Rules used for elections Rule ID:**

139V-ELE: Incorporates alterations of 13/04/2011 [R2011/43]

**Rules difficult to apply/interpret:**

Rules 11.11.1, 15.11 & 15.18.4 (Table 1).

An exception in Rule 11.11.1 allows that Tasmania Divisional Branch Executive consist of the President, Secretary and "three others elected by and from Divisional State Council." The conflict between this rule and Rules 15.11 – which requires that the positions "shall be elected by secret ballot of the Divisional State Council delegates of the respective section" – and Table 1 at Rule 15.18.4 which describes the persons eligible to be nominated, and vote, as "Sectional representatives from each section" is not resolved by anything elsewhere in the rules.

It seems the intention is to relax the requirement (under Rule 15.11) for a representative to be elected from each section to Branch Executive, even though Tasmania has three sections represented on State Council. As the election was conducted at the meeting of State Council, I advised those present that my interpretation was that all of State Council would be eligible to vote, should a ballot be required.

**Model Rule reference (if any):**

**Legal precedents considered:**

**Action taken under section 193 of RAO**

**Schedule:**

## **ROLL OF VOTERS**

### **OTHER MATTERS PERTAINING TO ROLL OF VOTERS**

#### **ALLEGATIONS OF IRREGULARITIES RECEIVED**

There was a written submission from Nicole Wells concerning the eligibility for members, not within the same Branch, to nominate for positions within the Branch. This was referred to the National Unit of the AEC's Industrial Election Section for response.

#### **ATTACHMENTS**

- A** Declaration of Results for Uncontested Offices 19 July 2011
- B** Declaration of Results for Uncontested Offices 26 August 2011

Michael Horwood  
Returning Officer

26 September 2011

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

**DECLARATION OF RESULTS FOR UNCONTESTED 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.

E2011/2599

**Electrical and Energy Services Division  
Divisional Branch President**

Candidate

HARKINS, Kevin

I declare Kevin Harkins elected.

**Divisional Branch Secretary/National Councillor**

Candidate

WELLS, Nicole

I declare Nicole Wells elected.

**Divisional Branch Organiser**

Candidate

BURLES, Rodney

I declare Rodney Burles elected.

**Divisional Branch Delegate to Divisional Council (3)**

Candidates

BATGE, Ken  
HARKINS, Kevin  
WELLS, Nicole

I declare Ken Batge, Kevin Harkins and Nicole Wells elected.

**Delegate to Divisional Branch Conference - Northern Section (3)**

Candidates

DONAGHY, Paul  
LAMBERT, Todd  
LAYCOCK, Garry

I declare Paul Donaghy, Todd Lambert and Garry Laycock elected.

**Delegate to Divisional Branch Conference - North West Section (3)**

Candidates

MAYES, Ken  
PROVERBS, Brett  
WILLIAMS, Andy

I declare Ken Mayes, Brett Proverbs and Andy Williams elected.

**Delegate to Divisional Branch Conference - Southern Section (5)**

Candidates

BATGE, Ken  
BECKER, Kerry David  
BURLES, Rodney  
HARPHAM, Darren  
ONN, Craig

I declare Ken Batge, Kerry David Becker, Rodney Burles, Darren Harpham and Craig Onn elected.

**Divisional Branch State Councillor - Northern Section (2)**

Candidates

LAMBERT, Todd  
LAYCOCK, Garry

I declare Todd Lambert and Garry Laycock elected.

**Divisional Branch State Councillor - North West Section (2)**

Candidates

PROVERBS, Brett  
WILLIAMS, Andy

I declare Brett Proverbs and Andy Williams elected.

**Divisional Branch State Councillor - Southern Section (4)**

Candidates

BATGE, Ken  
BECKER, Kerry David  
BURLES, Rodney  
ONN, Craig

I declare Ken Batge, Kerry David Becker, Rodney Burles and Craig Onn elected.

Michael Horwood  
Returning Officer  
Australian Electoral Commission  
19 July 2011



# Fair Work Australia

23 June 2011

Ms Nicole Wells  
Divisional Branch Secretary  
Tasmanian Divisional Branch  
Electrical, Energy and Services Division  
Communications, Electrical, Electronic, Energy, Information,  
Postal, Plumbing and Allied Services Union of Australia  
105 New Town Road  
NEW TOWN TAS 7008

Also by facsimile: 03 6228 7557

Dear Ms Wells

**Re: Arrangements for the conduct of an Election  
(E2011/2599)**

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

Fair Work Australia is making arrangements, under subsections 187(1) and 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

James Hall  
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-Electrical, Energy and Services Division**  
(E2011/2599)

T. NASSIOS

MELBOURNE, 23 JUNE 2011

*Arrangement for conduct of election.*

[1] On 17 June 2011, the Tasmanian Divisional Branch of 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 prescribed information for an election.

[2] On 22 June 2011, the Tasmanian Divisional Branch of the Electrical, Energy and Services Division of the abovenamed organisation lodged further prescribed information in relation to an election for the following offices:

### DIVISIONAL COUNCIL

Divisional Branch Delegates to Divisional Council from:

Tasmanian Divisional Branch (3)

### TASMANIAN DIVISIONAL BRANCH

Divisional Branch President (1)

Divisional Branch Secretary/National Councillor (1)

Delegates to Divisional Branch Conference from:

Northern Section (3)

North West Section (3)

Southern Section (5)

Divisional State Councillors from the following sections:

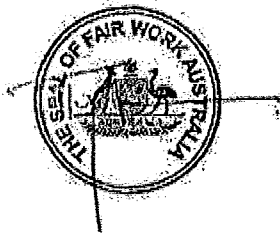
Northern Section	(2)
North West Section	(2)
Southern Section	(4)

[3] On 22 June 2011, the Tasmanian Divisional Branch of the Electrical, Energy and Services Division of the abovenamed organisation also lodged a request under section 187 of the *Fair Work (Registered Organisations) Act 2009* to conduct an election for the following non-office position:

**TASMANIAN DIVISIONAL BRANCH**

Divisional Branch Organiser	(1)
-----------------------------	-----

[4] I am satisfied that an election for the abovenamed offices and non-office position 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, PR510763 >

## TRANSACTION REPORT

23/JUN/2011/THU 10:59

FAX (TX)

#	DATE	START T.	RECEIVER	COM.TIME	PAGE	TYPE/NOTE	FILE
001	23/JUN	10:58	00362287557	0:00:30	3	MEMORY OK	SG3 2630



Fair Work  
Australia

23 June 2011

Ms Nicole Wells  
Divisional Branch Secretary  
Tasmanian Divisional Branch  
Electrical, Energy and Services Division  
Communications, Electrical, Electronic, Energy, Information,  
Postal, Plumbing and Allied Services Union of Australia  
105 New Town Road  
NEW TOWN TAS 7008

Also by facsimile: 03 6228 7557

Dear Ms Wells

**Re: Arrangements for the conduct of an Election  
(E2011/2599)**

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

Fair Work Australia is making arrangements, under subsections 187(1) and 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

James Hall  
Fair Work Australia



## **HALL, James**

---

**From:** HALL, James  
**Sent:** Thursday, 23 June 2011 10:57 AM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** E2011/2599 - Application/Notification by Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia-Electrical, Energy and Services Division - Tasmanian Divisional Branch  
**Attachments:** E2011\_2599\_CEPU ELE\_TAS letter to AEC\_23062011.doc; E2011\_2599 ELE TAS Quadrennial\_Signed Decision\_23062011.doc

Dear AEC

Please find a copy for the Decision for the upcoming election of the Tasmanian Divisional Branch of the Electrical, Energy and Services Division of the CEPU in election E2011/2599.

Regards

**JAMES HALL**

Registered Organisations Unit - Sydney  
Fair Work Australia

Level 8  
Terrace Tower  
80 William Street  
East Sydney NSW 2011

Tel: 02 8374 6641  
Fax: 02 8374 6990  
Email: [james.hall@fwa.gov.au](mailto:james.hall@fwa.gov.au)



FAIR WORK  
AUSTRALIA

23 June 2011

Electoral Commissioner Through  
Australian Electoral Officer ([industrial.elections@aec.gov.au](mailto: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 2011/2599**

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

Positions:

See Decision

Relevant Information: Scheduled quadrennial election.

Contact: Nicole Wells, Tasmanian Divisional Branch Secretary, Electrical Energy & Services Division, Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia.

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@fwa.gov.au](mailto:industrial.elections@fwa.gov.au)

David Vale  
Fair Work Australia

## HALL, James

---

**From:** HALL, James  
**Sent:** Wednesday, 22 June 2011 3:57 PM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** E2011/2599 - Application/Notification by Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia-Electrical, Energy and Services Division - Tasmanian Divisiona  
**Attachments:** 1 CEPU E2011\_2599 Amended PI lodged\_22062011.pdf

Dear AEC

Further to the prescribed information that was lodged on 17 June 2011 for an upcoming election of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia - Electrical, Energy and Services Division Tasmanian Divisional Branch (E2011/2599) please see attached **further prescribed information** that was lodged today, 22 June 2011.

We anticipate that a decision regarding this matter will be issued within the next 48 hours.

Regards

**JAMES HALL**

Registered Organisations Unit - Sydney  
Fair Work Australia

Level 8  
Terrace Tower  
80 William Street  
East Sydney NSW 2011

Tel: 02 8374 6641  
Fax: 02 8374 6990  
Email: [james.hall@fwa.gov.au](mailto:james.hall@fwa.gov.au)

**JAMES HALL**

Registered Organisations Unit - Sydney  
Fair Work Australia

Level 8  
Terrace Tower  
80 William Street  
East Sydney NSW 2011

Tel: 02 8374 6641  
Fax: 02 8374 6990  
Email: [james.hall@fwa.gov.au](mailto:james.hall@fwa.gov.au)

22 June 2011

Mr David Vale  
Manager, Organisations  
Fair Work Australia  
80 William Street  
EAST SYDNEY NSW 2011



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

105 New Town Road  
NEW TOWN TAS 7008  
Ph: 03 6228 0098  
Fax: 03 6228 7557  
Email: info@ceputas.com.au  
Web: www.ceputas.com.au  
ABN: 18 172 840 055

Dear Mr Vale

**Re: Arrangements for the conduct of an Election (E2011/2599)**

I refer to your letter of 21 June 2011 wherein you requested the provision of further information in relation to our Quadrennial Elections.

Please find enclosed a copy of the minutes of our State Council dated 24 February 2011. The relevant section that deals with the election of a Branch Organiser is 10.2 under General Business.

To assist you in determining the number of Delegates to be elected to the Divisional Branch Conference, Divisional Branch Delegates to Divisional Council and the number of Divisional State Councillors, please be advised the number of financial members by section are as follows:

- |                       |              |
|-----------------------|--------------|
| 1. North West Section | 419 members; |
| North Section         | 396 members; |
| South Section         | 831 members. |

Further, please find enclosed Statement of Prescribed Information under section 187 of the *Fair Work (Registered Organisations) Act 2009*.

If you require any further information, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Nicole Wells'.

Nicole Wells  
Secretary

Enc.

# MINUTES

CEPU Tasmanian Branch, Electrical & Plumbing Division

MEETING HELD: 10.30 am Friday 24<sup>th</sup> February 2011

105 New Town Road, New Town

**1.0 Present**

Garry Laycock (President) Kevin Harkins, Nicole Wells (Secretary), Todd Lambert  
& Ken Batge

**2.0 Apologies**

Andy Williams and Mark McCall

**3.0 Confirmation of Minutes of previous Meeting:**

*Motion:* That the minutes of the meeting held on 29/10/2010 be accepted with the  
appropriate amendments as discussed.

*Moved:* Kevin Harkins

*Seconded:* Todd Lambert

*Carried*

10.2 Union Elections for 2011

*Motion:* That the 2011 elections be held for the Secretary's position together with one organiser. Any additional organiser position(s) is/are to be appointed positions only.

*Moved:* Nicole Wells

*Seconded:* Kevin Harkins

*Carried*


## PREScribed INFORMATION AND SIGNED STATEMENT

### Statement

I, **Nicole Wells**, being the Divisional Branch Secretary of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, Electrical Divisions, Tasmanian Branch, make the following statement:

I am the Divisional Branch Secretary of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, Electrical Division, Tasmanian Branch. I am authorised to lodge the following prescribed information concerning forthcoming elections in the Tasmanian Branch of the Electrical Division of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, and

I confirm that the following information is being lodged under subsection 187(1) of the *Fair Work (Registered Organisations) Act 2009*.

Signed: 

Dated: 22/6/2011

#### *Prescribed information*

**Positions:** Organiser (1)

#### **Reasons for election:**

Election for each of the position(s) is required as the terms of positions are due to expire in the normal course of events under the rules of the organisation.

**Elected by:** Divisional Branch

**Nominations open:** The first Monday in July (4 July 2011) (Rule 15.17.1)

**Nominations close:** The second Monday in July (11 July 2011) \*Rule 15.17.1)

**Cut off date for role:** 7 days prior to the opening date for nominations (Rule 15.19.7).



# Fair Work Australia

21 June 2011

Ms Nicole Wells  
Tasmanian Divisional Branch Secretary  
Electrical, Energy and Services Division  
Communications, Electrical, Electronic, Energy, Information,  
Postal, Plumbing and Allied Services Union of Australia  
105 New Town Road  
New Town TAS 7008

Also by facsimile: 03 6228 7557

Dear Ms Wells

**Re: Arrangements for the conduct of an Election  
(E2011/2599)**

I acknowledge receipt of prescribed information lodged with Fair Work Australia on 17 June 2011 for the conduct of an election for the Tasmanian Branch of the Electrical, Energy and Services Division of the above named organisation.

Before a decision concerning an election can be made, Fair Work Australia requires the following information. To determine the number of Delegates to the Divisional Branch Conference, the number of Divisional Branch Delegates to Divisional Council and the number of Divisional State Councillors, the number of financial members is required to formulate the correct numbers (in accordance with rules 7.3.2, 11.6.6, 11.7.3 and other Divisional rules).

Furthermore, rule 12.1 of the Divisional rules is silent regarding the number of Branch Organisers. Could the Branch provide a copy of the minutes or a copy of the resolution confirming that one Branch Organiser is to be elected in the forthcoming quadrennial election. It also appears that the elections of Branch Organisers are for positions rather than offices. Consequently, could you please provide a written request for an election to be held for the position of Branch Organiser in accordance with section 187 of the *Fair Work (Registered Organisations) Act 2009* (the Act). Once it is received, I will forward a copy to the Australian Electoral Commission.

If you have any questions relating to this matter please do not hesitate to contact me on (02) 8374 6509.

Yours sincerely

David Vale  
Manager, Organisations - NSW  
Fair Work Australia

Level 8, Terrace Tower  
80 William Street  
EAST SYDNEY NSW  
2011

Telephone: (02) 8374 6666  
Facsimile: (02) 9380 6990  
Email : david.vale@fwa.gov.au  
Internet : www.fwa.gov.au



## HALL, James

---

**From:** HALL, James  
**Sent:** Friday, 17 June 2011 4:47 PM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** E2011/2599 - Application/Notification by Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia-Electrical, Energy and Services Division - Tasmanian Divisional Branch  
**Attachments:** 128V CEPU Electrical\_R2011\_43\_13042011.pdf; CEPU E2011\_2599 PI lodged\_17062011.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 - Electrical, Energy and Services Division Tasmanian Divisional Branch (E2011/2599).

Regards

**JAMES HALL**

Registered Organisations Unit - Sydney  
Fair Work Australia

Level 8  
Terrace Tower  
80 William Street  
East Sydney NSW 2011

Tel: 02 8374 6641  
Fax: 02 8374 6990  
Email: [james.hall@fwa.gov.au](mailto:james.hall@fwa.gov.au)

17 June 2011

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



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

105 New Town Road  
NEW TOWN TAS 7008  
Ph: 03 6228 0098  
Fax: 03 6228 7557  
Email: [info@ceputas.com.au](mailto:info@ceputas.com.au)  
Web: [www.ceputas.com.au](http://www.ceputas.com.au)  
ABN: 18 172 840 055

**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 Tasmanian Branch of the CEPU in accordance with Divisional Rule 15 of the Union is required to conduct our quadrennial elections.

Accordingly, pursuant to the above sections of the Act the Divisional Branch requests formally that Fair Work Australia arrange for the Australian Electoral Commission to conduct the 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,

A handwritten signature in cursive script that reads "Nicole Wells".

Nicole Wells  
Divisional Branch Secretary

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 Branch Secretary/National Council
- 2) Divisional Branch President
- 3) Divisional Councillors
- 4) Organiser
- 5) Branch State Councillors
- 6) Branch State Conference Delegates

b. **Reason for the election**

The terms of office have expired

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

- 1) Divisional Councillors (3)
- 2) Branch State Councillors Northern Section (2)  
North West Section (2)  
Southern Section (4)
- 3) Branch State Conference Delegate Northern Section (3)  
North West Section (3)  
Southern Section (5)

d. **Electorate**

The positions are to be elected by the following electorates:

- 1) Divisional Branch Secretary/National Council – all financial members of the Branch.
- 2) Divisional Branch President – all financial members of the Branch.
- 3) Divisional Councillors - all financial members of the Branch.
- 4) Organiser - all financial members of the Branch.
- 5) State Councillors Northern Section – all financial members of the Northern Section.  
State Councillors North West Section – all financial members of the North West Section.  
State Councillors Southern Section – all financial members of the Southern Section.

**Attachment A Cont.**

- 6). Branch State Conference Delegates Northern Section – all financial members of the Northern Section.  
Branch State Conference Delegates North West Section – all financial members of the North West Section.  
Branch State Conference Delegates Southern Section – all financial members of the Southern Section.

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

Nominations open on the 4<sup>th</sup> July 2011 and close on the 11<sup>th</sup> July 2011.

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

27<sup>th</sup> 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, Nicole Mary Wells, 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 Tasmanian Branch 2011 Quadrennial Elections.

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

Signed:

A handwritten signature in cursive script, appearing to read 'N. Wells', written over a horizontal line.

Nicole Wells