

# 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**  
Electrical, Energy and Services Division  
**Tasmanian Divisional Branch Executive**

**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.

E2011/2629

**Electrical and Energy Services Division**

**Divisional Branch Executive Member (3)**

Candidates

BATGE, Ken  
BECKER, Kerry  
LAMBERT, Todd

**Divisional Branch Vice President**

Candidate

BATGE, Ken

**Divisional Branch Treasurer**

Candidate

LAMBERT, Todd

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

Michael Horwood  
Returning Officer  
26 August 2011



# Fair Work Australia

8 August 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  
(E2011/2629)**

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

Fair Work Australia is making arrangements, under subsection 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**  
(E2011/2629)

T. NASSIOS

MELBOURNE, 8 AUGUST 2011

*Arrangement for conduct of election.*

[1] On 5 August 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 in relation to an election for the following offices:

### TASMANIAN DIVISIONAL BRANCH

Divisional Branch Vice President	(1)
Divisional Branch Treasurer	(1)
Divisional Branch Executive members	(3)

[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

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## TRANSACTION REPORT

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Fair Work  
Australia

8 August 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

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Yours sincerely

James Hall  
Fair Work Australia

**HALL, James**

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**From:** HALL, James  
**Sent:** Monday, 8 August 2011 12:43 PM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** E2011/2629 - Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia - Electrical, Energy and Services Division - Tasmanian Branch  
**Attachments:** E2011\_2629\_CEPU ELE\_TAS letter to AEC\_08082011.doc; E2011\_2629 ELE TAS Signed Quadrennial\_Collegiate Decision\_08082011.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 E2011/2629.

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)

**HALL, James**

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**From:** HALL, James  
**Sent:** Friday, 5 August 2011 1:50 PM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** E2011/2629 - Application/Notification by Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia-Electrical, Energy and Services Division - Tasmanian Divisional Branch (128V-ETAS)  
**Attachments:** CEPU ELE TAS E20112629\_PI lodged\_05082011.pdf; 128V CEPU Electrical\_R2011\_43\_13042011.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 (E2011/2629).

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)



E2011/2629



5 August 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  
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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

Dear Sir

**Re: Request for CEPU – Electrical Division Tasmanian Branch -  
Collegiate Election pursuant to rules 11.11.1 and 15.7 of the  
Electrical Division Rules**

Please be advised that the Electrical, Energy and Services Division Tasmanian Branch of the CEPU in accordance with Divisional Rules 11.11.1 and 15.7 of the Union is required to conduct a Collegiate Election for the positions of Divisional Branch Executive members, Divisional Branch Vice President and Divisional Branch Treasurer.

Accordingly, pursuant to the Electrical Division Rules the Divisional Branch requests formally that Fair Work Australia arrange for the Australian Electoral Commission to conduct this 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,

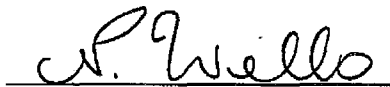
Nicole Wells  
Divisional Branch Secretary

***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 Collegiate Elections of the CEPU Electrical Division, Tasmanian Branch of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU) – Electrical, Energy and Services Division Rules.

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

Signed:

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

Nicole Wells

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 Executive members (3)
- 2) Divisional Branch Vice-President (1)
- 3) Divisional Branch Treasurer (1)

b. **Reason for the election**

The terms of office have expired.

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

Divisional Branch Executive members (3)

d. **Electorate**

The positions are to be elected by the following:

- 1) Divisional Branch Executive members – all members of the Divisional State Council.
- 2) Divisional Branch Vice-President – all members of the Divisional State Council.
- 3) Divisional Branch Treasurer - all members of the Divisional State Council.

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

Nominations open on the commencement of the CEPU Electrical Division State Council meeting on Friday 26 August 2011 and close 15 minutes after the opening of nominations, or in accordance with any AEC recommendation.

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

Collegiate Election.