

29 July 2016

The Divisional Secretary
Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing
Union of Australia - Electrical, Energy and Services Division
Fax: (02) 9663 5599



Dear The Divisional Secretary,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election [E2016/120]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the *Fair Work (Registered organisations) Regulations 2009*).

Holders of office required to undertake approved training

Section 154D(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act) requires the rules of organisations (and branches of organisations) to require each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe.

Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which should be provided for in your organisation's rules.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia - Electrical, Energy and Services Division must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.

2. Person(s) who have commenced to hold office:
 - the name of the office now held;
 - the date of the change of office holder;
 - the name of the person now holding the office;
 - the postal address of the person (generally the postal address of the organisation); and
 - the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. I have attached a template notification of changes which may assist you. If any change does not apply until a specific date, you don't need to

notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

Michael Moutevelis

Regulatory Compliance Branch

**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return)
required to be kept in accordance with section 230 *Fair Work (Registered Organisations)
Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009***

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 1. [include OLD name and address and NEW name and address of every branch that has changed]
 2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:³
 - COMMENCED/CEASED operation:
 1. [include name of each new branch]
 2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to.]

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Reason for change	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder (for privacy reasons, we recommend NOT a private address)	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Retiring</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
...							
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Resignation</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
...							

From: Simon Bulloch <Simon.Bulloch@aec.gov.au>
Sent: Friday, 29 July 2016 10:45 AM
To: Allen Hicks; Orgs; Industrial Elections
Subject: E2016.120 CEPU Divisional Executive Election [DLM=For-Official-Use-Only]
Attachments: E2016.120 CEPU Divisional Executive Election - Uncontested Declaration.pdf;
E2016.120 CEPU Divisional Executive Election Post Election Report.pdf

For-Official-Use-Only

Allen

I refer to the above election for your organisation.

Section 197(1) of the *Fair Work (Registered Organisations) Act 2009* ("the Act") requires the AEC to provide a written report on the conduct of the election to the Fair Work Commission and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of the Act requires that if an organisation or branch is given a Post Election Report under Section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the Post Election Report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the *Fair Work (Registered Organisations) Regulations 2009* requires an organisation or branch to publish a notice on its website advising members that a copy of the Post Election Report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Regards,

Simon Bulloch | Manager

Election Services | WA State Office

Australian Electoral Commission

T: (08) 6363 8011 | M: 0413 006 210 | F: (08) 6363 8052



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

Declaration of Results for Uncontested Offices

E2016/120

Below are the results of the election for the following offices, conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation.

Divisional President

Candidates

GRAY, Troy

Divisional Vice President (2)

Candidates

BUTLER, Steve
SIMPSON, Peter

Divisional Executive Member - New South Wales (2)

Candidates

BETTS, Neville

No further nomination was accepted under Divisional Rule 8.2.1 as New South Wales delegate elected to Office of Vice President.

Divisional Executive Member - Queensland (2)

Candidates

MCGAW, Christopher Noel

No further nomination was accepted under Divisional Rule 8.2.1 as Queensland delegate elected to Office of Vice President.

Divisional Executive Member - South Australia

Candidates

ADLEY, John Patrick

Divisional Executive Member - Tasmania

Candidates

GAULD, Trevor

Divisional Executive Member - Victoria (2)

Candidates

BALTA, Ivan

No further nomination was accepted under Divisional Rule 8.2.1 as Victorian delegate elected to Office of President.

Divisional Executive Member - Western Australia

Candidates

MCLAUGHLAN, Les

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



Simon Bulloch
Returning Officer

28 July 2016

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: Communications, Electrical, Electronic, Energy, Information, Postal,
Plumbing & Allied Services Union- Electrical, Energy and Services Division

Contact details: Allen Hicks

Email: allen@etuaustralia.org.au

Tel: (02) 9663 3699

FWA contact officer: Michael Moutevelis

Email: michael.moutevelis@fwc.gov.au

Tel: Not Provided

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s:

E2016/120

RULES

Rules used for the election: [128V-ELE: Incorporates alterations certified on 15/03/2016 in matter R2015/267.]

Model Rule reference (if any): N/A

Rules difficult to apply/interpret: Nil

ROLL OF VOTERS

The Roll of voters was supplied by the Organisation and used to obtain the email address of the eligible members to allow the election notice and nomination to be distrusted.

IRREGULARITIES

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

Other irregularities identified, and action taken:

ATTACHMENTS

Declaration of Results for Uncontested Offices



Simon Bulloch
Returning Officer
29 July 2016



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**
(E2016/120)

MR ENRIGHT

MELBOURNE, 15 JUNE 2016

Arrangement for conduct of election.

[1] On 23 May 2016, the Electrical, Energy and Services Division of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Divisional Executive

Divisional President (1)
Divisional Vice President (2)

Divisional Executive Member (number to be determined in accordance with rule 8.2 of the Divisional rules)

[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

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From: Annette Moran <Annette@etuaustralia.org.au>
Sent: Monday, 23 May 2016 12:10 PM
To: Orgs
Cc: Allen Hicks
Subject: CEPU EES Div - Request to FWC for AEC to Conduct an Election
Attachments: 160523 Ltr fr AH to FWC request for AEC Election.pdf; Reg 138 Statement.pdf; Attachment A Prescribed Information.pdf

Please find attached:

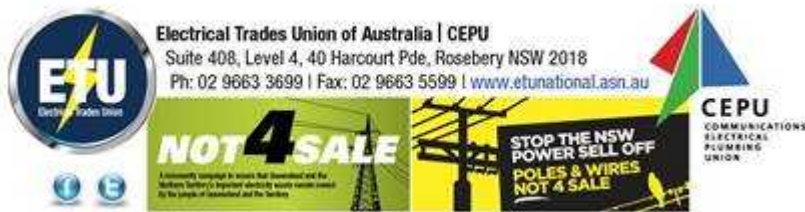
- Covering letter from Divisional Secretary, Allen Hicks;
- Reg 138 Statement; and
- s189 Prescribed information

for an election for executive offices in the CEPU Electrical Energy & Services Division.

Kind regards, Annette

Annette Moran
Governance & Compliance Officer

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



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Electrical Trades Union of Australia

Proud to be Union

23 May 2016

Sent by email

Mr David Vale
Manager, Regulatory Compliance Branch NSW
Fair Work Commission
Level 8, Terrace Towers
80 William Street
EAST SYDNEY NSW 2011

Dear David

**CEPU Electrical, Energy & Services Division - Election of Officers
- Request for AEC to conduct an election**

The Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (the CEPU) Electrical, Energy and Services Division is required to conduct college elections at its annual meeting of the Divisional Council.

The annual meeting will be held on the 28-29 July 2016 at the Parmelia Hilton, 14 Mill St, Perth.

Pursuant to sections 182(1) and 189 of the Fair Work (Registered Organisations) Act 2009, the CEPU, Electrical Energy and Services Division requests that the Fair Work Commission arrange for the AEC to conduct the election.

The election relates to the positions of Divisional President, Divisional Vice Presidents and other Divisional Branch representatives on the Divisional Executive (CEPU Section B rule 15, specifically rules 15.5).

If you have any questions please contact myself or Annette Moran at this office.

Yours faithfully

A handwritten signature in black ink, appearing to read 'AL AL', is written over a white background.

Allen Hicks
DIVISIONAL SECRETARY

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

STATEMENT

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

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

Dated: 23 May 2016



Allen Hicks
DIVISIONAL SECRETARY

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

**CEPU Electrical, Energy & Services Division
Divisional Council 2016 College Election**

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

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

- Divisional President
- Divisional Vice President
- Divisional Executive member

b. Reason for the election

The terms of office are expiring in the normal course of events.

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

- Divisional Vice President (2)
- Divisional Executive Member – number to be determined in accordance with the Divisional rules.

d. Electorate

With respect to the Divisional President and Vice Presidents, the positions are to be elected by the Divisional Councillors.

With respect to the Divisional Executive members, the positions are to be elected by the Divisional Councillors representing the relevant Branch.

e. Date of commencement and expiration of nomination period

The nominations will open and close on the 28 July 2016.

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

The roll of voters will close 28 July 2016.

g. Voting system

The voting system is a secret ballot of the Divisional Councillors.



4 April 2016

Mr Allen Hicks
Divisional Secretary
Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services
Union of Australia - Electrical, Energy and Services Division

Sent via email: edno@nat.cepu.asn.au

CC: AEC Returning Officer by email: industrial.elections@aec.gov.au

Dear Mr Hicks,

Courtesy Letter - Election for offices [E2016/120]

The rules of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia - Electrical, Energy and Services Division indicate that an election for offices within the organisation is due to commence shortly. It appears that nominations for the election open in July this year.

This is a courtesy letter to remind you of your obligation to lodge information about the election (known as the 'prescribed information') pursuant to sub-sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') by 4 May 2016. Prescribed information must be lodged with the Fair Work Commission (the Commission) two months before nominations open for the election.

If you have a different interpretation for the commencement of the election under your rules, please let the Commission know, otherwise, the prescribed information should contain details of the election as required by regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009* (the 'Regulations'), and any subsequent collegiate elections, if that is relevant. A sample of the prescribed information can be found on our website at www.fwc.gov.au/sample_documents.

The prescribed information should be emailed to orgs@fwc.gov.au. If your organisation believes that it will be unable to comply with the prescribed day as set out in the Regulations, it will need to apply to the General Manager within the month for a later date. Such request will need to set out in detail the reason why your organisation is unable to comply with the requirement. While the General Manager will consider such an application, there is no assurance that consent to a later day will be allowed.

It should be noted Section 189(2) is a civil penalty provision. Failure for an organisation to comply may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or the organisation.

The Commission intends to continue to provide reminders that an election is due as a courtesy. However failure to receive a reminder from the Commission cannot be relied on as a reason for late, incorrect or non-lodgment of prescribed information. The obligation to lodge prescribed information consistent with the Act and the rules of the organisation rests with the organisation.

When lodging the prescribed information, please quote [E2016/120]

Should you seek any clarification in relation to the above, please contact the Commission on orgs@fwc.gov.au.

Yours sincerely,



Sam Gallichio

Adviser

Regulatory Compliance Branch