



18 December 2019

Allen Hicks

National Secretary; & Divisional Secretary - Electrical Division

Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services

Union of Australia - Electrical, Energy and Services Division

Sent via email: admin@etuaustralia.org.au

Dear Allen Hicks

Organisation must respond to the post-election report of the Australian Electoral Commission: E2019/62

On 3/12/2019 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2019/62. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular Rules 7.3.4, 15.5A, 15.17.3 and 15.18. This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

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 regs 141(4) and (5)).

A written response must be provided to the AEC

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

Extract of report must be made available to members

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

Written response must be made available to members

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and
- within 30 days of giving the response to the AEC:
 - lodges with the ROC a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
 - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

Penalties may apply

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the ROC for assistance by email to regorgs@roc.gov.au.

If the organisation or branch decides to alter its rules in response to the AEC's report

If the organisation or branch decides to alter its rules in response to the AEC's report, the ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours sincerely

Registered Organisations Commission



18 December 2019

Allen Hicks

National Secretary; & Divisional Secretary - Electrical Division
Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services
Union of Australia - Electrical, Energy and Services Division
Sent via email: admin@etuaustralia.org.au

Dear Allen Hicks,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of uncontested offices stages 1 and 2 in matter E2019/62. 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, as soon as practicable after receiving the post-election report, 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 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires 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 are provided for in the RO Act.

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. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not 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.

Yours sincerely

Registered Organisations Commission

03/12/2019

Post-election report

**Communications, Electrical, Electronic, Energy, Information,
Postal, Plumbing and Allied Services Union of Australia-
Electrical, Energy & Services Division – Scheduled Election
E2019/62**

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Election(s) Covered in this Report

Organisation: CEPU - Electrical Energy & Services Division
Election Decision Number(s): E2019/62

Rules

Rules used for the election: [128V-ELE: Incorporates alterations certified on 31 October 2019 in matter R2019/127] (replaces 18 April 2019 [R2019/38] version)

Rules difficult to apply/interpret: The rules regarding the election of one Affirmative Action (Women) Divisional Councillor are difficult to apply. This is a new office and the election is collegiate from amongst the 6 Branch Affirmative Action (women) Councillors. However, it is postal and must be completed after the direct election (Stage 1) but before the collegiate election which is via attendance at the Divisional Conference. The Union may want to consider doing this election at the same time as the collegiate election via an attendance ballot, as the time frame between all Stage 1 direct branch elections being completed (if contested) and Stage 2 election is too tight. Rules 7.3.4, 15.5A, 15.17.3 and 15.18 refer.

Model Rule reference (if any): See below
For more details see the Model Rules on the AEC website:
(https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Other Matters

Returning Officer actions required (Section 193): No
Details: N/A

Signed



Noopur Madan
Returning Officer
Australian Electoral Commission
E: nswelections@aec.gov.au
P: 02 9375 6321

03/12/2019

Attachments

- 1) Declaration of results for Uncontested Offices – Stage 1
- 2) Declaration of results for Uncontested Offices – Stage 2

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

Electrical, Energy & Services Division
DECLARATION OF RESULTS - E2019/62 - Stage 2
Uncontested Offices

Scheduled Election

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 are:

Electrical, Energy and Services Division

Divisional President (1)

Candidates

GRAY Troy

Divisional Vice President (2)

Candidates

ANDERSON Michael

ONG Peter Joseph

Divisional Executive Members (10)

Candidates

ADLEY John

BALTA Ivan

CARTER Peter

FILAZZOLA Daniel

McKENZIE Keith James

PAGE Justin

POTTER Glen

Affirmative Action (Women) Divisional Councillor (1)

Candidates

McNALLY Ellen

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



Noopur Madan
Returning Officer
Telephone: 02 9375 6321
Email: nswelections@aec.gov.au
19/11/2019

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

**DECLARATION OF RESULTS - E2019/62 Stage 1
Uncontested Offices**

Scheduled Election

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 are:

Divisional Secretary (1)

Candidates

HICKS Allen

Divisional Assistant Secretary (2)

Candidates

MIER David

WRIGHT Michael

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



Noopur Madan
Returning Officer
Telephone: 02 9375 6321
Email: nswelections@aec.gov.au
16/07/2019



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**
(E2019/62)

MR ENRIGHT

MELBOURNE, 12 JUNE 2019

Arrangement for conduct of election.

[1] On 18 April 2019 the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia - Electrical, Energy and Services Division (the Division) lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Divisional President	(1)
Divisional Vice President	(2)
Divisional Secretary	(1)
Divisional Assistant Secretary	(2)
Affirmative Action (Women) Divisional Councillor	(1)
Divisional Executive (numbers to be determined in accordance with the 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 COMMISSIONER

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PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009*

I, Allen Hicks, being the Divisional Secretary of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, Electrical, Energy and Services Division, (the Division), make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Branch.
2. The following information is lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act);
3. The elections that are required are set out in the table in Annexure A;
4. No rule alterations are pending that will impact the election; and
5. This statement **IS** lodged at least 2 months before nominations open for the elections below.
6. The number of individuals to be elected by each Branch to the Divisional Executive are calculated in accordance with a formula defined in the rules. The rule numbers, positions, formula and relevant information including relevant date, are as follows:

Office	(a) Rule; and (b) Formula for determining numbers	(c) Information for calculating the formula (e) Reason information for calculating the formula cannot be provided	(d) Relevant date for determining numbers	Number to be elected
Divisional Executive member	<p>8.2 Election to the Divisional Executive</p> <p>8.2.1 Each Divisional Branch shall be entitled to representation on the Divisional Executive by one Executive member who shall be a member of the Divisional Branch he/she represents. The Divisional President and Divisional Vice Presidents shall be deemed to represent the Divisional Branch of which they are members and the Divisional Secretary and the Affirmative Action (Women) Councillor shall be deemed not to represent any Divisional Branch.</p> <p>8.2.2 Provided that any Divisional Branch having in excess of 10% of the membership as calculated under sub rule 7.3.3 "Election to Divisional Council", shall be entitled to one additional Executive member for each additional 10% of the membership of the Division possessed by that Divisional Branch.</p> <p>7.3.3 For the purpose of determining the number of members of a Divisional Branch at meetings of the Divisional Council, the income recognised in the audited statement of comprehensive income less impairment of receivables in respect of membership contributions and entrance fees of such Divisional Branch for the preceding year, as expressed in dollars, shall be divided by the dollar amount charged by the Divisional Branch in the preceding year as the annual subscription rate for adults employed as tradespersons or in classifications receiving equal to or in excess of a tradesperson's rates of pay.</p>	The relevant information for calculating the formula to determine the number of Executive members for each Branch has not been provided because the audited statements of comprehensive income from all branches have not yet been finalised.	31 December 2018 (rule 8.2, 7.7.2, 7.7.3)	One for each Branch plus one additional Executive member for each branch for each additional 10% of members

Signed: 
 ALLEN HICKS

Dated:18 April 2019

[PLEASE NOTE: This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@roc.gov.au.]

ANNEXURE A

- Elections that are required:

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
For the election of officers					
Electrical Division	Divisional Secretary	1	Direct voting system (DVS)	<i>Scheduled</i>	Financial members of the Division <i>(rule 15.3, 15.19.18)</i>
Electrical Division	Assistant Divisional Secretary	2	DVS	<i>Scheduled</i>	Financial members of the Division <i>(rule 15.3, 15.19.18)</i>
Electrical Division	Affirmative Action (Women) Divisional Councillor	1	Collegiate electoral system (CES)	<i>Scheduled</i>	Divisional Branch Affirmative Action (Women) Councillors on each Branch State Council <i>(rule 7.3.4, 15.18.4, 15.20.6)</i>
Electrical Division	Divisional President	1	CES	<i>Scheduled</i>	Divisional Councillors <i>(15.18.4)</i>
Electrical Division	Divisional Vice Presidents	2	CES	<i>Scheduled</i>	Divisional Councillors <i>(15.18.4)</i>
Electrical Division	Divisional Executive ¹	Number determined by rule 8.2; 7.3.2 & 7.3.3	CES	<i>Scheduled</i>	Divisional Councillors from each Branch <i>(rule 15.5, 15.18.4)</i>

¹ Numbers determined in accordance with Rule 8.2; 7.3.2 and 7.3.3

- **IMPORTANT DATES:**

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	The first Monday in July (1 July 2019) (Rule 15.17.1)	Except for the election of the Affirmative Action (Women) Divisional Councillor, nominations open at the first meeting of the Divisional Council after the declaration of each divisional branch quadrennial ballot and the divisional quadrennial ballot in 2019 (rules 15.5, 15.18) The election of the Affirmative Action (Women) Divisional Councillor shall be conducted in accordance with rule 15.20.6 after the declaration of the election of each Affirmative Action (Women) State Councillor in each Branch. The conduct of nominations shall be determined the Returning Officer.
Nominations CLOSE	The second Monday in July (8 July 2019) (Rule 15.17.1)	Except for the election of the Affirmative Action (Women) Divisional Councillor, nominations close at the first meeting of the Divisional Council after the declaration of each divisional branch quadrennial ballot and the of the divisional quadrennial ballot in 2019 (rules 15.5, 15.18) The election of the Affirmative Action (Women) Divisional Councillor shall be conducted in accordance with rule 15.20.6 after the declaration of the election of each Affirmative Action (Women) State Councillor in each Branch. The conduct of nominations shall be determined the Returning Officer.
Roll of Voters cut-off date	7 days prior to the opening date for nominations (24 June 2019) (Rule 15.19.7)	As determined by Section B rule 15.5 and the Returning Officer pursuant to rule 15.16.