

MOUTEVELIS, Michael

From: Paul Coffey [paul@pteu.asn.au]
Sent: Thursday, 21 August 2014 7:28 AM
To: Orgs
Subject: E2014/67
Attachments: AEC E2014 67.pdf

Dear Team.

It seems that there has been a bit of an oversight by myself regarding the Western Australian Election held earlier this year (E2014/67). I have been informed that your department was not officially notified by our union of the results as per section 233(2) of the Fair Act.

Please see attached declaration from the Australian Electoral Commission. If you need any more information could you please let me know.

--

Regards,

Paul Coffey
Industrial Officer
Plumbing Trades Employees Union
03 9662 3388 / 0448 908 923
www.pteu.asn.au

**AEC**

Australian Electoral Commission

Reference: W14/16

Mr Les McLaughlin
Divisional Branch Secretary
Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing & Allied Services
Union
24/257 Balcatta Rd
BALCATTWA WA 6021

Dear Mr McLaughlin,

**Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing & Allied
Services Union Plumbing Division WA Divisional Branch Election
E2014/67**

The declaration of the election for uncontested offices is attached.

The election is now complete.

Yours sincerely

Simon Bulloch
Returning Officer

11 April 2014

cc all candidates

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

Declaration of Results for Uncontested Offices

E2014/67

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.

Plumbing Division

Branch President

Candidates

DOHERTY, Seamus

Branch Secretary

Candidates

BINTLEY, Brian

Branch Committee Member (6)

Candidates

AHERN, Stephen

BRANDIS, Glen

COSTELLO, Colm

DALY, James M

MCDONALD, Gerald

No further nomination was accepted

Federal Vice President

Candidates

BINTLEY, Brian

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

11/04/14



**E2014/67 CEPU Plumbing Division WA Divisional Branch Election
- Post Election Report [SEC=UNCLASSIFIED]**

From: Simon Bulloch
To: Orgs; Industrial Elections; 'Les McLaughlan (Les@etuwa.com.au)'
Cc: 'nashell@etuwa.com.au'

Download: [Message](#) [image001.gif](#) [image002.gif](#) [E2014-67 Uncontested Declaration.rtf](#) [E2014-67 Post Election Report.doc](#)

UNCLASSIFIED

Les,

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.

Simon Bulloch | Manager
Election Services | WA State Office
Australian Electoral Commission
T: (08) 6363 8011 | M: 0413 006 210 | F: (08) 6363 8052

UNCLASSIFIED

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

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E2014/67

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Federal Vice President

Candidates

BINTLEY, Brian

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Simon Bulloch
Returning Officer

11/04/14

POST ELECTION REPORT

Client: CEPU Plumbing Division WA Divisional Branch Election

Contact details: Les McLaughlan

Email: Les@etuwa.com.au

Tel: 08 9440 3522

FWA contact officer: James Hall

Email: james.hall@fwc.gov.au

Tel: 02 8374 6690

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: E2014/67

RULES

Rules used for the election: [128V-PLU: Incorporates alterations of 03/02/2014 in matters R2013/408]

Rules difficult to apply/interpret: Nil

Model Rule reference (if any): N/A

ROLL OF VOTERS

The Roll of votes was supplied by the CEPU Plumbing Division WA Divisional Branch. As there was not a contest the roll was not used.

IRREGULARITIES

Details of written allegations of irregularities, and action taken by AEC: *(Eg, That the Victorian Returning Officer wrongly accepted a nomination.)*

Other irregularities identified, and action taken:

ATTACHMENTS

Declaration of Results for Uncontested Offices

Simon Bulloch
Returning Officer
11 April 2014



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**
(E2014/67)

MR ENRIGHT

MELBOURNE, 13 FEBRUARY 2014

Arrangement for conduct of election.

[1] On 12 February 2014, the Plumbing 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 offices of the Western Australian Divisional Branch of the Plumbing Division of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia.

[2] On 12 February 2014, the Plumbing Division subsequently lodged amended prescribed information in relation to an election for the following offices:

Plumbing Division

Western Australian Divisional Branch

Branch President	(1)
Branch Secretary	(1)
Branch Committee of Management Member	(6)
Federal Vice President	(1)

[3] 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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PLUMBING TRADES EMPLOYEES UNION
Communications, Electrical and Plumbing Union

VICTORIAN BRANCH

ABN 17 685 414 428

EARL SETCHES
Branch Secretary

PADDY McCRUDDEN
Assistant Secretary

52 Victoria St
Carlton South 3053

Ph: 03 9662 3388
Fax: 03 9663 2613



AMENDED PRESCRIBED INFORMATION

Signed Statement of Prescribed Information for an Election

I, Earl Setches being the Federal Secretary of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia Plumbing Division make the following Statement.

I am the Federal Secretary of the Communications, Electrical, Electronic, Energy, Information, Postal Plumbing and Allied Services Union of Australia – Plumbing Division.

I am authorised to lodge the following prescribed information concerning forthcoming elections in the Western Australian branch of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia.

I confirm the following information is being lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009.


Earl Setches.

12/02/2014.

CEPU WA Plumbing Division

Offices/Positions

Branch President (1) Direct Voting System

Branch Committee Members (6) (DVS)

Branch Secretary (1) (DVS)

Federal Vice President (1) (DVS)

As per rule 72.5





PLUMBING TRADES EMPLOYEES UNION
Communications, Electrical and Plumbing Union

VICTORIAN BRANCH
ABN 17 685 414 428

EARL SETCHES
Branch Secretary

PADDY MCCRUDDEN
Assistant Secretary

52 Victoria St
Carlton South 3053

Ph: 03 9662 3388
Fax: 03 9663 2613

Reasons for Election:

WA Plumbing Division of the CEPU has been registered as a separate organisation and rule changes have been put in place by both WA CEPU and CEPU Nationally to allow this to happen.

Rule changes came into effect 3rd of February 2014.

These rule changes allowed for the re-establishment of the Western Australian Branch of the Plumbing Division of the CEPU.

Elected By:

The electorate for the direct voting system is the whole of the Branch.

Nominations Open:

For offices to be elected by direct voting system as early as possible.

Nominations Close:

For offices to be elected by direct voting system as early as possible.

Cut-off date for Roll:

In all cases – 7 days prior to the opening date for nominations – Rule 49.9.

49.9 Each Branch Returning Officer shall have compiled a list of all members of the Branch who are eligible to vote and shall use such list in the conduct of the said election. The roll of voters shall close 7 days before the date nominations open.





12 February 2014

Mr Earl Setches
Divisional Secretary
Plumbing Division
Communications, Electrical, Electronic, Energy, Information,
Postal, Plumbing and Allied Services Union of Australia
2nd Floor, 52 Victoria Street
CARLTON SOUTH VIC 3063

Also by email: paul@pteu.asn.au; (03) 9663 2613

Dear Mr Setches

Lodgement of prescribed information by the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, Plumbing Division (E2014/67)

I refer to the prescribed information for an upcoming election of the Western Australian Divisional Branch (the Divisional Branch) of the Plumbing Division (the Division) of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia which was lodged via email with the Fair Work Commission on 12 February 2014.

I wish to thank you for your prompt attention in lodging the prescribed information and note that the rule alterations re-establishing the Divisional Branch occurred on 3 February 2014. However, I would like to draw your attention to the following issues.

Rule 72 of the rules of the Division is a transitional rule which provides for the mechanisms to facilitate the re-establishment of the Western Australian Divisional Branch. Relevantly, sub-rule 72.5 provides that:

"72.5 As soon as is practicable after certification date the Divisional President will request the Australian Electoral Commission to conduct an election for each of the following offices in the Western Australian Branch (the Western Australian Branch elections):

72.5.1 Branch President;

72.5.2 Branch Secretary;

72.5.3 Six (6) Branch Committee of Management Members;

72.5.4 Federal Vice President."

Sub-rule 48.2.3 which was also inserted into the rules of the Division in the alterations certified on 3 February 2014 provides that:

"48.2.3 Despite sub-rule 48.2.1, the Committee of Management of the Western Australian Branch shall consist of of the following:

(a) Branch President;

- (b) *Branch Vice President (if any);*
- (c) *Branch Secretary;*
- (d) *Branch Assistant Secretary (if any);*
- (e) *Up to two Branch Trustees;*
- (f) *Branch Organiser/s (if any); and*
- (g) *not more than nine (9) other Committee members, the number of whom shall be determined by the Branch at Annual meeting or Special Meeting of the members;*

and the question of whether an election is conducted for the office of Branch Vice President, Branch Assistant Secretary, Branch Trustee or Trustees and Branch Organiser at any election shall be determined by the Committee of Management prior to the election concerned."

The prescribed information provides that an election is required for only two (2) offices of Branch Committee of Management Member. This appears to be inconsistent with sub-rule 72.5 which provides that six (6) such offices are to be elected. In my view, given that rule 72 specifically deals with the transitional arrangements for the re-establishment of the Divisional Branch, it prevails over rule 48 which is a rule of general application in relation to the number of offices of Branch Committee of Management Member to be elected.

A further issue arises regarding the potential election of the offices of Branch Vice President and Branch Trustees. Sub-rule 72.5 does not provide for the election of such offices whilst sub-rule 48.2.3 does providing that the decision to establish such offices shall be determined by the Committee of Management of the Divisional Branch prior to the relevant election. Given that the Divisional Branch does not currently have a Committee of Management and that rule 72 specifically deals with the arrangements after the re-establishment of the Divisional Branch, there is a doubt regarding whether an election is required under the rules of the Division for the offices of Branch Vice President and Branch Trustees. In my view, sub-rule 72.5 details the requirements for the initial election to occur immediately after the re-establishment of the Divisional Branch whilst sub-rule 48.2.3 is a rule of general application which applies to any elections within the Divisional Branch after those initial elections have occurred.

In order to further progress this matter, could you please lodge amended prescribed information in light of my comments above or provide the advice of the Division if you do not agree with my comments.

If you have any questions or queries in relation to this correspondence please do not hesitate to contact me on (02) 8374 6690 or email: orgs@fwc.gov.au

Yours sincerely



James Hall
Senior Advisor
Regulatory Compliance Branch
Fair Work Commission



PLUMBING TRADES EMPLOYEES UNION
Federal Branch

FEDERAL BRANCH

EARL SETCHES
Federal Secretary

PADDY McGRUDDEN
Federal President

52 Victoria St
Carlton South 3053

Ph: 03 9662 3388
Fax: 03 9663 2613

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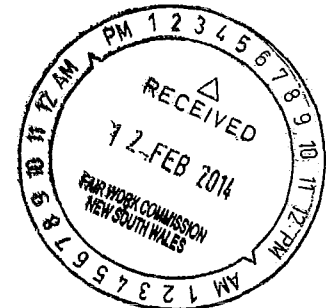
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I confirm the following information is being lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009.

Earl Setches.

12/02/2014.



CEPU WA Plumbing Division

Offices/Positions

Branch President (1) Direct Voting System

Branch Vice President (1) (DVS)

Branch Trustees (2) (DVS)

Branch Committee Members (2) (DVS)

Branch Secretary (1) (DVS)

Federal Vice President (1) (DVS)





PLUMBING TRADES EMPLOYEES UNION
Communications, Electrical and Plumbing Union

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