



C.E.P.U. PLUMBING DIVISION
Communications, Electrical and Plumbing Union

VICTORIAN & WESTERN AUSTRALIA
Ph: 03 9662 3388

NEW SOUTH WALES
Ph: 02 9310 3411

QUEENSLAND
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www.ppteu.asn.au

Declaration in accordance with Section 198 of the *Fair Work (Registered Organisations) Act 2009*

I, Gary O'Halloran, being the Divisional Assistant Secretary of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, Plumbing Division (CEPU Plumbing Division) make the following statement:

I am authorised to sign this statement for the CEPU Plumbing Division NSW Branch.

1. An uncontested scheduled election for the CEPU Plumbing Division NSW Branch was declared by the Australian Electoral Commission (AEC) on 23 May 2019 in E2018/258.
2. The post-election report (PER) issued by the AEC for this election noted rules which the AEC identified as difficult to apply or interpret. An extract of the report is attached to this statement.
3. The Division has supplied a written response to the AEC on that aspect of the PER. A copy of this response is attached to this statement.
4. A copy of the relevant extract and our response will be provided to any members who requests it.

Gary O'Halloran, Divisional Assistant Secretary

Dated: 15 August 2019





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15 August 2019

noopur.madan@aec.gov.au

Noopur Madan
AEC Senior Returning Officer
Industrial & Commercial Elections | NSW State Office
Australian Electoral Commission
PO BOX 496 Haymarket NSW 1240

PER for CEPU Plumbing Division NSW Branch - E2018/258

I refer to the above election and your written report regarding the above election.

Section 198 of the *Fair Work (Registered Organisations) Act 2009* ("the Act") requires that if an organisation is given a Post-Election Report under s.197 of the Act that identifies a rule that was difficult to interpret or apply, the organisation must give a written response to the Australian Electoral Commission (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.

In the written report for E2018/258, the AEC identified the following rules as difficult to interpret or apply:

Rule 49.6 requires the Returning Officer to declare persons elected to office before the withdrawal period is over, if the number of nominations received does not exceed the number of offices to be filled. The usual practice is for the Returning Officer to declare results after the withdrawal period has expired.

Rule 49.16 implies that a scrutineer can observe the consideration of nomination forms, inspect and observe the form and distribution of ballot papers, AEC policy is not to disclose information regarding nomination forms prior to the closing time.

The Plumbing Division advises that it intends to take the following action regarding rules 49.6 and 49.16. With respect to rule 49.6 the Division has no issue with the practice of the AEC to declare election results after the withdrawal period has expired. With respect to rule 49.16, the Division also respects the AEC policy regarding the conduct of scrutineers.

Accordingly, the Plumbing Division advises that it intends to consider the issues raised by the AEC with respect to the rules in question at its next committee of management meeting and will advise the AEC of the outcome as soon as possible.

Yours faithfully

Gary O'Halloran
DIVISIONAL ASSISTANT SECRETARY





4 June 2019

Branch Secretary

Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services
Union of Australia - Plumbing Division NSW Divisional Branch

Sent via email: officeadmin@nswplumbersunion.com.au

cc: admin@etuaustralia.org.au

Dear Branch Secretary,

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 in matter E2018/258. 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 - Plumbing Division NSW Divisional Branch 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 faithfully,

Astrid Glenister
Registered Organisations Commission

23 May 2019

Post-election report

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

Plumbing Division, NSW Divisional Branch – E2018/258

Contents

Election(s) Covered in this Report.....	3
Rules	3
Roll of Voters	3
Irregularities	3
Other Matters.....	4
Attachments	4

Election(s) Covered in this Report

Organisation: CEPU Plumbing Division - NSW Divisional Branch
Election Decision Number(s): E2018/258

Rules

Rules used for the election: [128V-PLU: Incorporates alterations certified on 13 December 2018 in matter R2018/302] (replaces version certified on 18 February 2015 and corrected on 28 August 2015 [R2013/149])

Rules difficult to apply/interpret: Rule 49.6 requires the Returning Officer to declare persons elected to office before the withdrawal period is over, if the number of nominations received does not exceed the number of offices to be filled. The usual practice is for the Returning Officer to declare results after the withdrawal period has expired.

Rule 49.16 implies that a scrutineer can observe the consideration of nomination forms, inspect and observe the form and distribution of ballot papers. AEC policy is not to disclose information regarding nomination forms prior to closing time.

Model Rule reference (if any): See model rules
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.

Irregularities

Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: None

Other Matters

Returning Officer actions required (Section 193): No

Rule 69 states that in a ballot for more than one office, i.e., where two or more candidates are to be elected, the voter shall record his/her vote by placing the figure "1" in the squares opposite the names of the candidates for whom he/she desires to vote. It is usual practice to have ticks or crosses in a first past the post voting system.

Signed



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

23 May 2019

- 1) Declaration of Results for Uncontested Offices – CEPU Plumbing Division - NSW
Divisional Branch – E2018/258

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

New South Wales Branch, Plumbing Division
DECLARATION OF RESULTS - E2018/258 - 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:

Plumbing Division NSW Divisional Branch

Branch President (1)

Candidates

PATTERSON William

Branch Vice President (1)

Candidates

BENEDET Adriano

Branch Trustees (2)

Candidates

HARRISON Lance

ZWICKL Rhyse

Federal Vice President (1)

Candidates

SAMARTZOPOULOS Theo

Federal Councillor (2)

Candidates

SEET Christopher William

TSIAKOULAS Con

Branch Secretary (1)

Candidates

SAMARTZOPOULOS Theo

Branch Assistant Secretary (1)

Candidates

SEET Christopher William

Branch Committee Members (2)

Candidates

DIETMANN Richard

TREBLE John

Branch Organiser (2)

Candidates

TSIAKOULAS Con

Plumbing Division NSW Divisional Branch - Newcastle Sub Branch

Sub-Branch President (1)

Candidates

POWELL David

Branch Committee Member Newcastle Sub Branch (1)

Candidates

McCARNEY Steve

Sub-Branch Secretary (1)

Candidates

McCARNEY Steve

Sub-Branch Committee of Management (3)

Candidates

CORRIGAN Mark

PATON Timothy

POWELL Aaron Joseph

Plumbing Division NSW Divisional Branch - Australian Capital Territory Sub Branch

Branch Committee Member Australian Capital Territory Sub Branch (1)

Candidates

No Nominations Received

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
13/05/2019



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 - Plumbing Division NSW
Divisional Branch**
(E2018/258)

MR ENRIGHT

MELBOURNE, 27 FEBRUARY 2019

Arrangement for conduct of election.

[1] The decision I issued on 19 February 2019 [[2019] ROCD 27] is amended as follows:

By deleting paragraph [2] and inserting in lieu:

In addition, the prescribed information from the Branch also requested an election under section 187 of the *Fair Work (Registered Organisations) Act 2009* for the following non-office positions:

Branch Organiser	(2)
Newcastle Sub-Branch	
Sub-Branch President	(1)
Sub-Branch Secretary	(1)
Sub-Branch Committee of Management	(3)

[2] An amending decision has been issued to make clear that the sub-branch positions to be filled in this election specifically relate to the Newcastle Sub-Branch of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia – Plumbing Division NSW Divisional Branch.



DELEGATE OF THE COMMISSIONER

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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 - Plumbing Division NSW
Divisional Branch**
(E2018/258)

MR ENRIGHT

MELBOURNE, 19 FEBRUARY 2019

Arrangement for conduct of election.

[1] On 21 January 2019 the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia - Plumbing Division NSW Divisional Branch lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Branch President	(1)
Branch Vice President	(1)
Branch Trustees	(2)
Federal Vice President	(1)
Federal Councillor	(2)
Branch Secretary	(1)
Branch Assistant Secretary	(1)
Branch Committee Members	(2)
Branch Committee Member Newcastle Sub Branch	(1)
Branch Committee Member Australian Capital Territory Sub Branch	(1)

[2] In addition, the prescribed information also requested an election under section 187 of the *Fair Work (Registered Organisations) Act 2009* for the following non-office positions:

Branch Organiser	(2)
Sub Branch President	(1)
Sub Branch Secretary	(1)
Sub Branch Committee of Management	(3)

[3] I am satisfied that an election for the abovenamed office and non-office positions 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, Earl Setches, being the General Secretary of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, Plumbing Division (CEPU Plumbing Division), make the following statement:

1. I am authorised to sign this statement containing prescribed information for the CEPU, Plumbing Division, New South Wales 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.
5. This statement **IS** lodged at least 2 months before nominations open for the election below.

Signed: 

Dated: 18/01/19

[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
NSW Branch	Branch President	1	DVS	Scheduled	Financial Branch membership (Rule 49.11)
NSW Branch	Branch Vice President	1	DVS	Scheduled	Financial Branch membership (Rule 49.11)
NSW Branch	Branch Trustees	2	DVS	Scheduled	Financial Branch membership (Rule 49.11)
NSW Branch	Federal Vice President	1	DVS	Scheduled	Financial Branch membership (Rule 49.11)
NSW Branch	Federal Councillor	2	DVS	Scheduled	Financial Branch membership (Rule 49.11)
NSW Branch	Branch Secretary	1	DVS	Scheduled	Financial Branch membership (Rule 49.11)
NSW Branch	Branch Assistant Secretary	1	DVS	Scheduled	Financial Branch membership (Rule 49.11)
NSW Branch	Branch Committee Members	2	DVS	Scheduled	Financial Branch membership (Rule 49.11)
NSW Branch	Branch Committee Member Newcastle Sub Branch	1	DVS	Scheduled	Financial Members of the Newcastle Sub branch (rule 48.2.1(f)(i))
NSW Branch	Branch Committee Member Australian Capital Territory Sub Branch	1	DVS	Scheduled	Financial Members of the Australian Capital Territory Sub branch (rule 48.2.1(f)(i))
Elections requested under s.187					
NSW Branch	Branch Organiser	2	DVS	Scheduled	Financial Branch membership (Rule 49.11)
Newcastle Sub	Sub Branch President	1	DVS	Scheduled	Financial members of the Newcastle Sub Branch (Rule 48.2.1(f)(i))

<i>Branch</i>					
<i>Newcastle Sub Branch</i>	<i>Sub Branch Secretary</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>Financial members of the Newcastle Sub Branch (Rule 48.2.1(f)(i))</i>
<i>Newcastle Sub Branch</i>	<i>Sub Branch Committee of Management</i>	<i>3</i>	<i>DVS</i>	<i>Scheduled</i>	<i>Financial members of the Newcastle Sub Branch (Rule 48.2.1(f)(i))</i>

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	<i>Last Monday in March 2019 (rule 49.5)</i>	
Nominations CLOSE	<i>Last Monday in April 2019 (rule 49.5)*</i>	
Roll of Voters cut off date	<i>In all cases - 7 days prior to the opening date for nominations - Rule 49.10 (see note below)</i>	

*Given there are a total of three public holidays in the nomination period, in consultation with the AEC it may be necessary to change the closing date of nominations. If the date is to change, it will not be in accordance with the CEPU Plumbing Rules. (Rule 49.5).