



## Copy of Signed Decision

**Title of Matter:** Application/Notification by Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia - Plumbing Division - Western Australian Divisional Branch  
**Section:** s.189(1) RO Act - Notification of elections for office  
**Subject:** WA Branch - President (1); Secretary (1); Organiser (1); Committee of Management Members (6); Federal Vice President (1); Delegate to National Council (1)  
**Matter Number(s):** E2015/97

Dear Australian Electoral Commissioner via the Electoral Officer

Under subsection 189 of the *Fair Work (Registered Organisations) Act 2009*, please arrange for the conduct of the above election.

A copy of the Delegate's decision is attached for your information.

The relevant rules can be accessed via the [website](#).

**Contact:** Mr Brian Bintley of the organisation, as per the prescribed information.

Please send the declaration(s) and post election report to the Fair Work Commission at [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

**Inquiries:**

Any inquiries relating to this matter are to be directed to Carolyn Moloney through [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

**20 MARCH 2015**



FairWork  
Commission

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**Title of Matter:** Application/Notification by Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia - Plumbing Division - Western Australian Divisional Branch

**Section:** s.189(1) RO Act - Notification of elections for office

**Subject:** WA Branch - President (1); Secretary (1); Organiser (1); Committee of Management Members (6); Federal Vice President (1); Delegate to National Council (1)

**Matter Number(s):** E2015/97

A copy of the Delegate's election decision in relation to the above matter is attached for your information.

**Please note:** Section 233(2) of the *Fair Work (Registered Organisations) Act 2009* requires details of changes to an organisation's records be declared to the Fair Work Commission. This includes changes resulting from the conduct of elections. Changes must be declared within 35 days of their occurrence.

### Inquiries:

Any inquiries relating to this are to be directed to Carolyn Moloney  
Phone: 02 8374 6510, email: carolyn.moloney@fwc.gov.au, Fax: 02 9380 6990.

**20 MARCH 2015**



## 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** (E2015/97)

MR ENRIGHT

MELBOURNE, 19 MARCH 2015

*Arrangement for conduct of election.*

[1] On 6 March 2015 the Western Australian Divisional Branch of the Plumbing Division of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (the organisation) lodged with the Fair Work Commission (the Commission) the prescribed information for an election.

[2] On 16 March 2015 the organisation lodged further and amended prescribed information. The amended prescribed information removed the office of one Delegate to National Council, as that office was not required to be elected under the relevant rules. An amended resolution was also provided to verify the organisation's requirement for a Branch Organiser, in accordance with the relevant rules. The further prescribed information is in relation to an election for the following offices:

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

[3] The prescribed information was not lodged before the prescribed day as required by section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act).

[4] On 11 March 2015, Mr Earl Setches, the Divisional Secretary of the Plumbing Division of the CEPU (the Division), provided a request for an extension of time for lodgement of the prescribed information. The request provides that the delay in lodgement arose due to a misunderstanding of the definition of "prescribed day" as set out in regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. Mr Setches further notes that the various pieces of prescribed information for the last quadrennial elections for offices of the Division and its branches and sub-branches were also lodged in 2011 about the same time according to that previous misunderstanding.

[5] Rule 49.4 of the rules of the Division provides that nominations “must open no later than the last Monday in March in each election year”. Therefore, according to the rules of the Division, the first day when a person may become a candidate in the election is 30 March 2015 at the latest. Given this, the prescribed information was required to be lodged before 30 January 2015.

[6] With regard to the request for an extension of time for lodgement of the prescribed information, I have considered the explanation for the delay in lodging the prescribed information provided by Mr Setches. Having regard to the normal and reasonable expectation that registered organisations take steps to ensure that they comply with the time-frame requirements set out not only in the Act but also in instruments or references pertaining to their own governance formulated by organisations themselves, I decline on this occasion to allow, in the formal sense intended by section 189(2) of the Act, a later day for lodgement. The failure of the organisation to lodge the prescribed information before the prescribed day contravenes section 189(2) of the Act which is a civil penalty provision. Failures by organisations to comply with civil penalty provisions may be the subject of applications by the Fair Work Commission for orders in the Federal Court.

[7] The refusal of an extension of time under section 189(2) of the Act does not, however, affect a determination of an election notification matter for the purposes of section 189(3) of the Act.

[8] 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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## Copy of Prescribed Information

**Title of Matter:** Application/Notification by Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia - Plumbing Division - Western Australian Divisional Branch

**Section:** s.189(1) RO Act - Further Amended Notification of elections for office

**Subject:** WA Branch - President (1); Secretary (1); Organiser (1); Committee of Management Members (6); Federal Vice President (1); Delegate to National Council (1)

**Matter Number(s):** E2015/97

Attn: Electoral Officer

A copy of the Further Amended Prescribed Information in relation to the above matter is attached for your information.

The amendment to the prescribed information is the removal of the Branch Delegate to National Council, which is not required to be elected in accordance with the Plumbing Division rules. An amended resolution in relation to this election was also forwarded to the AEC today - the amendment to the resolution was the inclusion of a Branch Organiser, as the number of Branch Organisers is to be determined by the Branch Committee of Management in accordance with the Plumbing Division rules.

The election decision will be forwarded to your office in due course.

### Inquiries:

Any inquiries relating to this are to be directed to: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

**16 MARCH 2015**

**MOLONEY, Carolyn**

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**Subject:** FW: WA Electuion CEPU Plumbing Division  
**Attachments:** doc20150313114706.pdf

-----Original Message-----

**From:** Paul Coffey [mailto:████████████████████]  
**Sent:** Monday, 16 March 2015 6:24 AM  
**To:** Orgs  
**Subject:** WA Electuion CEPU Plumbing Division

Please see attached amended notice.  
I apologise for the mistake in leaving the position of Branch Organiser off the original lodging.

--  
Regards,

Paul Coffey  
Industrial Officer  
Plumbing Trades Employees Union  
████████████████████  
[www.pteu.asn.au](http://www.pteu.asn.au)

52 Victoria St  
Carlton South 3053

Ph: 03 9662 3388  
Fax: 08 9440 3544

[www.pteu.asn.au](http://www.pteu.asn.au)

3<sup>rd</sup> March 2015

### Resolution

At this special meeting of the Western Australian Branch of the CEPU Plumbing Division we endorse that the following positions be posted for re-election.

Branch President (1) (Direct Voting System DVS)

Branch Secretary (1) (DVS)

Branch Organisers (1) (DVS)

Branch Committee of

Management Members (6) (DVS)

Federal Vice – President (1) (DVS)

This motion was discussed and moved by [REDACTED] (Member)

This motion was seconded by [REDACTED] (Member)

Motion was carried

Signed:



Brian Bintley



**SIGNED STATEMENT OF PRESCRIBED INFORMATION FOR AN ELECTION**

I, Brian Bintley, being the Branch Secretary of the Communications Electrical Electronic Energy Information Postal Plumbing and Allied Services Union of Australia – Plumbing Division, Western Australian Branch, make the following statement.

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

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 – Plumbing Division.

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

Signed: 

Dated: 3<sup>rd</sup> March 2015

**Offices/ Positions "A"**

Branch President (1) Direct Voting System
Branch Secretary (1) (DVS)
Branch Organisers (?) (DVS)
Branch Committee of Management Members (?) (DVS)
Federal Vice President (1) (DVS)

**Reason for Election:**

Election for offices and positions marked "A" respectively is required as the terms of office are due to expire in the normal course of events under the rules of the organisation.



**Elected By:**

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

**Nominations Open:**

For the offices to elected by direct voting system – the last Monday in March

**Nominations Close:**

For the offices to elected by direct voting system – the last Monday in April

**Cut-off Date for Roll:**

In all cases – 7 days prior to the opening date for nominations – Rule 49.9 (see note below)

**Notes:**

*Given that the last Monday in April is a Public Holiday and there are a total of 3 Public Holidays in the nomination period it may be necessary to change the date of nominations closing to the last Friday in April. If the date is to change the actual closing date will not be in accordance with the CEPU Plumbing Rules. (Rule 49.9).*

**Rule 49.4**

Nominations shall be called for by advertisement in a daily newspaper circulating in the State or Territory in which the Branch is situated. Nominations must open no later than the last Monday in March in each election year. The closing date for nominations shall be the last Monday in April, 1995 and in each fourth year thereafter. Provided that any nomination may be withdrawn upon written notice of the nominee delivered to the Returning Officer within two weeks of the close of nominations.



**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

[www.pteu.asn.au](http://www.pteu.asn.au)

11/03/2015

General Manager

Registered Organisations Team

Fair Work Commission

Re: CEPU Plumbing Elections

Dear General Manager,

The CEPU Plumbing has lodged various election prescribed notices in relation to upcoming elections. These notices were lodged (emailed) to your department last Friday March 6<sup>th</sup>.

It has been pointed out that these lodgements have been lodged late as per Regulation 138(3) of the Registered Organisation Rules of the Fair Work Act.

As these lodgements were late the CEPU Plumbing would like to request an extension of time for the following reasons.

As per the above regulation, the CEPU has taken the meaning of this regulation as follows

The regulation states that the prescribed day to be 2 months before the day a person may, under the rules of the organisation or branch, become a candidate for an election.

The CEPU took this to mean a person cannot become a candidate until an election is called by the AEC and not when nominations are open as per your correspondence.

In 2011, our prescribed notices were lodged about the same time as our current notices so we were of the understanding this was acceptable.



I would like to apologise for the inconvenience caused and officially ask for an extension of time for the following branches and sub-branches.

Victoria

Geelong (sub branch)

NSW

Newcastle (sub-branch)

ACT (sub-branch)

Western Australia

Once again I would like to apologise for our mis interpretations.

Yours Sincerely

A handwritten signature in cursive script that reads "Earl Setches".

Earl Setches

Divisional Secretary

CEPU Plumbing Division

## MOLONEY, Carolyn

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**From:** Orgs  
**Sent:** Tuesday, 10 March 2015 1:32 PM  
**To:** [REDACTED]  
**Cc:** info@pteu.asn.au  
**Subject:** Upcoming Divisional Branch Elections

Dear Mr Coffey,

In relation to the various lodgements of Divisional Branch elections for the Plumbing Divisional Branches of CEPU, I note that the Plumbing Division rules provide that nominations must open by the last Monday in March of the election year. Section 189(2) of the Fair Work (Registered Organisations) Act 2009 provides that prescribed information for an election must be lodged before the prescribed day or such later day as the General Manager allows. This is a civil penalty provision. Regulation 138(3) of the associated Regulations provides that the "prescribed day" is 2 months prior to nominations opening.

This being so, the prescribed information for the elections referred to below was not lodged by the prescribed day. In order for the General Manager or her Delegate to extend the time for lodgement, could you provide a written request for an extension of time for each of the Divisional Branch elections, stating reasons for the late lodgements, and signed by the Divisional Secretary of the Plumbing Division. This can be lodged as a single piece of brief correspondence referring to each of the Divisional Branches for which prescribed information is being / has been lodged.

If you would like to discuss or clarify this matter, please don't hesitate to contact me on the details below.

Kind regards,

CAROLYN MOLONEY  
Assistant Adviser  
Regulatory Compliance Branch

Fair Work Commission  
Tel: 02 8374 6510  
Fax: 02 9380 6990  
[carolyn.moloney@fwc.gov.au](mailto:carolyn.moloney@fwc.gov.au)

Level 10, Terrace Tower, 80 William Street East Sydney NSW 2011

[www.fwc.gov.au](http://www.fwc.gov.au)

-----Original Message-----

**From:** Paul Coffey [mailto:[REDACTED]]  
**Sent:** Friday, 6 March 2015 10:15 AM  
**To:** Orgs  
**Subject:** Upcoming Elections

Please see attached notices regarding Elections for the CEPU Plumbing Division. Signed statements of prescribed information and results of special meetings are attached for Victoria, Geelong (Sub Branch) NSW, Newcastle (Sub Branch).

I am waiting on Western Australia and ACT (Sub Branch) information and will pass on as soon as I receive it.

--

Regards,

Paul Coffey  
Industrial Officer  
Plumbing Trades Employees Union

[www.pteu.asn.au](http://www.pteu.asn.au)



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**Matter Number(s):** E2015/97

Attn: Electoral Officer

A copy of the Prescribed Information in relation to the above matter is attached for your information.

The election decision will be forwarded to your office in due course.

**Inquiries:**

Any inquiries relating to this are to be directed to: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

**6 MARCH 2015**

**SIGNED STATEMENT OF PRESCRIBED INFORMATION FOR AN ELECTION**

I, Brian Bintley, being the Branch Secretary of the Communications Electrical Electronic Energy Information Postal Plumbing and Allied Services Union of Australia – Plumbing Division, Western Australian Branch, make the following statement.

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

Signed: 

Dated: 3<sup>rd</sup> March 2015

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Branch Secretary (1) (DVS)
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Branch Committee of Management Members (6) (DVS)
Federal Vice President (1) (DVS)
Branch Delegate to National Council (1) (DVS)

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3<sup>rd</sup> March 2015

### Resolution

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Branch Secretary (1) (DVS)

#### Branch Committee of

Management Members (6) (DVS)

Federal Vice – President (1) (DVS)

This motion was discussed and moved by [REDACTED] (Member)

This motion was seconded by [REDACTED] (Member)

Motion was carried

Signed:

A handwritten signature in black ink, appearing to read "Zina Jeth".