

Post Election Report For:

Election E No 2011/2672



I refer to the above election for your organisation.

Section 197(1) of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to the General Manager 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 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 Regulations 2009 requires an organisation or branch to publish a notice on its web site 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.

A handwritten signature in black ink, appearing to read 'Kim Nichols'.

Kim Nichols
Returning Officer

AEC - Divisions of Hasluck and Pearce
Unit 11, 53 The Crescent Midland WA 6056
PO Box 2205, Midland DC WA 6936
Tel: (08) 9250 7628 Fax: (08) 9250 7155

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s:2011/2672

RULES

Rules used for the election: 128V-PLU: Incorporates alterations of 16/09/2011 in matters R2011/110 and R2011/111

Rules difficult to apply/interpret:

- Rule 19.3 covers the divisional council but only describes federal councillors positions and not state councillors positions.
- Rule 29.1 states the Returning Officer shall be a financial member of the division. This needs to be amended as the AEC regularly conducts the elections on behalf of the CEPU.
- Rule 49.4 allows 2 weeks for nominees to withdraw their nomination after the nominations have closed with rule 49.5 stating the Returning Officer can declare the election if no more nominations for election to any office are received than the number of vacancies for such office. This could create a situation where the position becomes vacant unless the rule states the Returning Officer is unable to declare until after the withdrawal period closes.

Model Rule reference (if any): N/A

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: Nil

Other irregularities identified, and action taken: Nil

ATTACHMENTS

Declaration of Results for Uncontested Offices

A handwritten signature in black ink, appearing to read 'Kim Nichols', is written over a horizontal line.

Kim Nichols
Returning Officer

**Communications, Electrical, Electronic, Energy,
Information, Postal, Plumbing & Allied Services Union
Casual Vacancy Election**

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2011/2672

Plumbing Division

Divisional State Councillor

Candidate

DALY, James M

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



Kim Nichols
Returning Officer

24 November 2011



Fair Work Australia

18 October 2011

Mr Leslie McLaughlan
WA Branch Secretary
Electrical, Energy and Services Division
Communications, Electrical, Electronic, Energy, Information,
Postal, Plumbing and Allied Services Union of Australia
PO BOX 689
BALCATTA WA 6914

Dear Mr McLaughlan

**Re: Arrangements for the conduct of an Election
(E2011/2672)**

A copy of the decision in relation to the above matter is enclosed.

Fair Work Australia is making arrangements, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, with the Electoral Commissioner for the conduct of the subject election by a member of staff of the Australian Electoral Commission, who will contact you in the near future about the election.

Yours sincerely



Carolyn Moloney
Fair Work Australia



FAIR WORK
AUSTRALIA

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**
(E2011/2672)

T. NASSIOS

MELBOURNE, 18 OCTOBER 2011

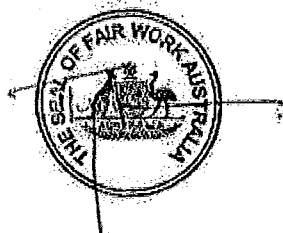
Arrangement for conduct of election.

[1] On 13 October 2011 the Western Australian Divisional Branch of the Electrical, Energy and Services Division of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia lodged with Fair Work Australia the prescribed information in relation to an election for the following office:

Divisional State Councillor from the following section:

Plumbing Section (1)

[2] I am satisfied that an election for the abovenamed office 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
FAIR WORK AUSTRALIA

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MOLONEY, Carolyn

From: MOLONEY, Carolyn
Sent: Tuesday, 18 October 2011 1:48 PM
To: 'industrial.elections@aec.gov.au'
Subject: E2011/2672
Attachments: E2011_2672 ELE DIV WA BR_Signed Decision_18102011.pdf; E2011_2672_CEPU_ELE
WA Signed letter to AEC_18102011.pdf

Dear AEC

Please find attached a copy of the Decision for the upcoming election of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia - Electrical, Energy and Services Division - Western Australian Branch (E2011/2672).

Kind regards,

CAROLYN MOLONEY
RIA Team Administrative Officer

Fair Work Australia
Tel: 02 8374 6637
Fax: 02 9380 6990
carolyn.moloney@fwa.gov.au

Level 8, Terrace Tower, 80 William Street
East Sydney NSW 2011

www.fwa.gov.au



FAIR WORK
AUSTRALIA

18 October 2011

Electoral Commissioner Through
Australian Electoral Officer (industrial.elections@aec.gov.au)

Under subsection 189 of the Fair Work (Registered Organisations) Act 2009, please arrange for the conduct of the following election by the Australian Electoral Commission:

E No 2011/2672

**RE: COMMUNICATIONS, ELECTRICAL, ELECTRONIC, ENERGY, INFORMATION,
POSTAL, PLUMBING AND ALLIED SERVICES UNION OF AUSTRALIA**

Position:

See Decision

Relevant Information: Office not filled at last election.

Contact: Communications, Electrical, Electronic, Energy, Information, Postal,
Plumbing and Allied Services Union of Australia - Electrical, Energy and
Services Division - WA Divisional Branch.

Leslie McLaughlan, WA Branch Secretary

Phone: (08) 9440 3522

A copy of the decision is enclosed.

I further request that you arrange for this office to be notified that arrangements for the conduct of the election have been made, by email transmission at industrial.elections@fwa.gov.au

David Vale
Fair Work Australia

MOLONEY, Carolyn

From: MOLONEY, Carolyn
Sent: Thursday, 13 October 2011 3:39 PM
To: 'industrial.elections@aec.gov.au'
Subject: E2011/2672
Attachments: CEPU E2011_2672_PLU DIV_WA_Casual vacancy_lodged 13102011.pdf; CEPU Plumbing 128V-PLU_R2011 110_R2011 111.pdf

Dear AEC

Please find attached prescribed information and a copy of the current rulebook for the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia - Plumbing Division - Western Australian Divisional Branch, for an upcoming election (E2011/2672).

Kind regards,

CAROLYN MOLONEY
RIA Team Administrative Officer

Fair Work Australia
Tel: 02 8374 6637
Fax: 02 9380 6990
carolyn.moloney@fwa.gov.au

Level 8, Terrace Tower, 80 William Street
East Sydney NSW 2011

www.fwa.gov.au



CEPU

ABN: 84 898 932 123

WESTERN AUSTRALIA BRANCH

COMMUNICATIONS ELECTRICAL PLUMBING UNION

13 October 2011

General Manager
Fair Work Australia
Floor 12
111 St George's Terrace,
PERTH WA 6000



Re: Request for an election pursuant to Section 187 & 189 of the Fair Work (Registered Organisations) Act 2009

Dear Sir,

On the 6th October 2011 the State Council passed the following resolution

Moved M. Jordan Seconded B. Jones

That Fair Works Australia be requested to have the Australian Electoral Commission conduct an election to fill the vacant State Council position representing the members employed in the Plumbing sector.

Carried unanimously

The following motion was subsequently carried on 13 October 2011 via electronic means:

That the Union requests the Australian Electoral Commission to conduct an election for the following vacant position: Divisional State Councillor employed in the Plumbing Sector.

That the date for nominations open on 14th November 2011 and close on 21st November 2011."


Moved: Peter Carter

Seconded: Terry Hayes

Accordingly, pursuant to the above sections of the Act the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU) requests formally that Fair Work Australia arrange for the Australian Electoral Commission to conduct an election.

I have attached to this correspondence (Attachment A) the prescribed information required by section 189(1) and regulation 138. I would appreciate your attention to this matter.

Yours faithfully,



L. McLaughlan
Branch Secretary

Attachment A

The Fair Work (Registered Organisations) Act 2009
prescribed information pursuant to Section 189(1)

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

Divisional Branch State Councillor – Plumbing Sector.

b. Reason for the election

Vacant

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

d. Electorate

Divisional Branch State Councillor – Plumbing Sector- members employed in the Plumbing sector.

e. Date of the commencement and expiration of the nomination period

Nominations open on the 14th of November 2011 and close on the 21st of November 2011

f. Day provided that roll of voters is to be closed

11th November 2011

g. The kind of voting system to be used to conduct the election

Direct Election

The Fair Work (Registered Organisations) Act 2009
prescribed information pursuant to Regulation 138

I, **Leslie McLaughlan**, state that I am the officer authorised to make a statement pursuant to s 189(1) of *The Fair Work (Registered Organisations) Act 2009* with respect to the election of the CEPU of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU).

The information required by reg. 138 is appended as Attachment "A"

Signed:

A handwritten signature in black ink, appearing to be 'L. McLaughlan', written in a cursive style.

L. McLaughlan