

Notice setting out particulars of Alterations of Rules (other than eligibility rules) or an organisation – S.159

FWC matter No:

**NOTICE/APPLICATION FOR CERTIFICATION OF ALTERATION OF RULES
(OTHER THAN ELIGIBILITY RULES)**

Fair Work (Registered Organisations) Act 2009 – s.159
Fair Work (Registered Organisations) Act 2009 – regulation 126

Applicant Organisation

Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing & Allied Services Union of Australia (“the CEPU”)

Address: Suite 408, Level 4, 30-40 Harcourt Parade, Rosebery, NSW 2018

Contact person: Annette Moran

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The Applicant applies to the Fair Work Commission for certification of an alteration to the rules of the Organisation. This document will be referred to as “this Notice”.

Attached to this Notice and marked “Annexure A” is a declaration by an authorised officer of the applicant that provides the particulars of the making of changes to the rules of the applicant.

This notice is given to certify alterations made to the rules of the Electrical, Energy and Services Division of the applicant as follows:

**SECTION B OF THE CEPU RULES COVERING
THE ELECTRICAL, ENERGY & SERVICES DIVISION**

1. Insert a new rule 4.7 dealing the purging of the membership register and renumbering existing rule 4.7 as 4.8 as follows:

4.7- Purging of the Membership Register

- 4.7.1 Subject to rules 5.5, 5.7 and 5.8, each Branch Secretary shall from time to time as directed by the Divisional Branch Executive remove from the register of members the names, postal addresses and other contact details of all members who owe entrance fees, contributions, levies or fines imposed in accordance with the rules of the Union or the Division for a continuous period of three (3) calendar months since the amount or amounts became payable.

- 4.7.2 In the absence of a direction from the Divisional Branch Executive, the Branch Secretary may remove the names, postal addresses and other contact details of such members from the register of members no later than three (3) calendar months after the end of the first three (3) calendar month period.
- 4.7.3 The Branch Secretary shall give a member fourteen (14) days notice in writing to the member's last postal or email address shown on the register of members of the intention to remove the member's name, postal address and other contact details from the register.
- 4.7.4 Any person whose membership is removed from the register of members under this rule ceases to be a member of the Union on the day his or her name, postal address and other contact details are removed and ceases to have any of the rightful privileges of membership from that day.
- 4.7.5 Any such person so removed shall be liable to pay all such entrance fees, contributions, levies or fines imposed in accordance with the rules of the Union or Division and any other monies due to the Union up to the date of removal of the person's name, postal address and other contact details from the register, and, in default of payment, may be sued for any outstanding amounts.
- 4.7.6 Any person whose membership is removed from the register of members under this Rule, may appeal to the Divisional Executive against any action or decision of a Divisional Branch Executive or Divisional Branch Secretary taken pursuant to this rule within fourteen (14) days of that action or decision. The lodging of an appeal will act as an automatic stay of the removal of the person's membership from the register pending the determination of the appeal by the Divisional Executive. In the event that the Divisional Executive decides to reinstate the person's membership, and provided they have paid all entrance fees, contributions, levies or fines owed to the Union in accordance with these Rules, they shall be deemed not to have broken their continuity of their membership of the Union.

FAIR WORK ACT 2009

FAIR WORK COMMISSION

Fair Work (Registered Organisations) Regulations 2009 – Regulation 126(2)

**DECLARATION IN RELATION TO A NOTICE TO ALTER THE RULES
of the Communications, Electrical, Electronic, Energy, Information,
Postal, Plumbing & Allied Services Union of Australia**

On the 25 May 2020, I, Allen Hicks of Level 4, 30-40 Harcourt Parade, Rosebery 2018, NSW say:

1. I am the National Secretary of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (“the CEPU”), an organisation registered under the *Fair Work (Registered Organisations) Act 2009* and I am authorised to make this application on behalf of the CEPU.

2. The notice for certification of the alteration of the CEPU rules (“the notice”) to which this declaration is attached is for an application to alter the divisional rules of the union covering the Electrical, Energy and Services Division (“the Division”).

3. **Alterations made in accordance with the Rules of the Union**

The alterations made to the rules of the union, as detailed in the notice of alteration to the CEPU rules (other than the eligibility rules) were made in accordance with the procedures prescribed by the rules of the CEPU to alter the rules of the union as detailed below.

4. **Action taken under the rules by the Electrical, Energy and Services Division to make the alterations** -- the Electrical, Energy and Services Divisional Executive has approved the insertion of a new divisional rule 4.7 and the renumbering of current rule 4.7 as 4.8 (the rules alteration) as detailed in this notice, in accordance with the following procedure:

4.1 Divisional rule 3 gives the Divisional Executive power to adopt alterations to the divisional rules.

4.2 In accordance with divisional rule 8.8.1, “Out of Session Decisions by the Divisional Executive”, the Divisional Secretary determined to refer the matter of the rules alteration to the Divisional Executive as an out of session decision.

4.3 The resolution to approve the rules alteration was submitted by email to the members of the Divisional Executive on 30 April 2020. The vote closed at close of business on 7 May 2020.

4.4 Divisional rule 8.4 prescribes that the quorum for any meeting of the Divisional Executive shall consist of a majority of Divisional Executive members. Divisional rule 8.8.4 applies rule 8.4 to out of session decisions. As all the Divisional Executive members participated in the vote, the quorum requirements of rules 8.8.4 and 8.4 were met.

4.5 The resolution regarding the rules alteration was approved by the Divisional Executive exercising their votes under divisional rule 8.8.3, with all the Executive

members voting unanimously in favour of the resolution to approve the rules alteration.

4.6 As required by divisional rule 3, “New Rules & Alterations or Rescission of Rules”, the rules alteration was therefore adopted by the Division prior to it being placed before the National Council for its adoption.

4.7 National rule 21.1, “New Rules and Alterations to Rules”, gives the National Council exclusive power to make, amend or rescind the rules of the Union. Accordingly, the rules alteration was referred by the Division to the National Secretary for the consideration of the National Council.

5. **Action taken under the rules by the National Council to make the alterations** - the National Council approved the rules alteration in accordance with the following procedure:

5.1 In accordance with national rule 7.7, “National Council Out of Session Decisions”, on 12 May 2020 the National Secretary, with the agreement of the National President, submitted the rules alteration by email to the members of the National Council for an out of session decision to close on 20 May 2020.

5.2 Members of the National Council submitted their vote on the rules alteration by close of business on 20 May 2020.

5.3 National rule 7.11 “Quorum of National Council”, prescribes that provided each Division is represented, a majority of National Council members shall constitute a quorum for any meeting of the National Council. National rule 7.7.3 applies rule 7.11 to out of session decisions. The out of session decision of the National Council meeting met the quorum requirements of national rule 7.11 as a majority of National Councillors participated in the vote and each Division was represented in the vote.

5.4 The decision of the National Council to approve the resolution to make the rules alteration met the voting requirements of national rule 7.17, “Carrying of National Council Resolutions”. In accordance with rule 7.17, at least 60% of the votes were cast in favour of the resolution to alter the rules.

5. **Particulars are true and correct**

I say that the particulars set out in the notice are true and correct to the best of my knowledge and belief.



Allen Hicks
NATIONAL SECRETARY