

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

Phone: 02 9663 3699

Email: annette@etuaustralia.org.au; admin@etuaustralia.org.au

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 covering the Electrical, Energy and Services Division (the divisional rules) of the applicant as follows:

15.5 Election of Divisional Councillors and Divisional President, Vice Presidents and other Divisional Branch Representatives on Divisional Executive

15.5.1 Divisional Councillors shall be elected in accordance with rules 7.3 "Election to Divisional Council" and 15.14 "Conduct of Elections" and rule 15.19 "Direct Voting".

15.5.2 *For and from the 2020 Divisional Conference, t*~~The~~ Divisional President and Vice Presidents shall be elected by *a* secret ballot at *the each* Divisional Conference by the elected delegates to Conference. ~~The members of the Divisional Executive shall hold office until the day prior to the day upon which the next Divisional Conference is convened. They shall hold office until the declaration of the next quadrennial elections in 2023. For and from the 2023 quadrennial elections, the Divisional President and Vice Presidents shall be elected quadrennially by a secret ballot of the members of the Divisional~~

Conference conducted at the first Divisional Conference following the divisional quadrennial elections. If for some reason beyond the control of the Divisional Executive or Council their successors have not been declared elected, they shall continue to hold office until their successors are declared elected.

- 15.5.3 *For and from the 2020 Divisional Conference, t*The Divisional Branch Representatives on the Divisional Executive shall be elected by *a* secret ballot by the elected delegates representing their Branch at *the* Conference. ~~The members of the Divisional Executive shall hold office until the day prior to the day upon which the next Divisional Conference is convened.~~ *They shall hold office until the declaration of the next quadrennial elections in 2023. For and from the 2023 quadrennial elections, the Divisional Executive shall be elected quadrennially by a secret ballot of the members eligible to vote in the election. If for some reason beyond the control of the Divisional Executive or Council their successors have not been declared elected, they shall continue to hold office until their successors are declared elected.*

- 15.5.4 Immediately following the acceptance by Conference of delegates' credentials, Divisional Conference shall appoint a Returning Officer and determine the time for the closing of nominations and for the closing of the ballot.

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 10 July 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.
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 rules of the CEPU in compliance with the procedures detailed below.
4. Pursuant to national rule 21, the National Council has exclusive power to make, amend or rescind the rules of the union. This power is subject to national rule 21.2 which requires that Divisional rules should not be made, amended or rescinded without the prior approval of the relevant Division. This is an application to alter the rules covering the CEPU Electrical, Energy and Services Division (the divisional rules), specifically to alter divisional rule 15.5. In accordance with the requirements of national rule 21.2, the following action was taken by the Electrical, Energy and Services Division prior to the referral of the alteration of the rule to the National Council for its consideration and endorsement.
5. **ACTION TAKEN BY THE DIVISION - the Electrical, Energy and Services Divisional Executive** approved the alteration of divisional rule 15.5 (the rules alteration) as detailed in this notice, in accordance with the following procedure:
 - 5.1 Divisional rule 3 gives the Divisional Executive power to adopt alterations to the divisional rules.
 - 5.2 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.
 - 5.3 The resolution to approve the rules alteration was submitted by email to the members of the Divisional Executive on 18 June 2020. The vote closed by close of business on 25 June 2020.
 - 5.4 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.

- 5.5 The resolution to alter divisional rule 15.5 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.
- 5.6 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.
- 5.7 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.

6. Action taken under the rules by the National Council to make the alterations - *The National Council* approved the alteration of divisional rule 15.5 as detailed in this notice in accordance with the following procedure:

- 6.1 In accordance with national rule 7.7, “National Council Out of Session Decisions”, on 30 June 2020 the National Secretary, with the agreement of the National President, submitted the alteration of divisional rule 15.5 by email to the members of the National Council for an out of session decision to close on 8 July 2020.
- 6.2 Members of the National Council submitted their vote on the rules alterations by 8 July 2020.
- 6.3 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.
- 6.4 The resolution of National Council to approve the rules alterations 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.

7. 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