

Regulation 126(1) Notice of Alteration to Rules

CEPU Section D Communications Division Rules –Rules Alterations & Reasons in Support

1. By amending rule 66(a) as follows:

66(a) Candidates for office on the Branch Committee of Management except where otherwise provided, must be financial members of the Branch and be nominated in writing by at least two other financial members of the Branch. All nomination papers must be signed by and contain the addresses of those making the nomination and be countersigned by the person nominated. The provisions of this sub-rule shall also apply to candidates for office as Returning Officer, Assistant Returning Officer, Divisional Conference Delegate and Divisional Executive Member of the Division and any other office within the jurisdiction of the Branch. No person shall be eligible to be nominated for or elected to any office or position unless such person shall have been a continuously financial member of the *industry group within the* Branch for a period of not less than 12 months immediately prior to the closing date of nominations.

Reason in Support

In a recent election, the Australian Electoral Commission (AEC) found that there were conflicting opinions about the meaning of “continuously financial” in rule 66(a), and how this related to members who had moved between Industry Sections within the Branch.

One particular case was considered, regarding a nominee who had moved between Industry Sections, to determine if a delay in the change to a higher membership rate affected the member’s financiality. The member in question was deemed to be “continuously financial”. This amendment to rule 66(a) is proposed to clarify and fix any confusion that may arise in the future.

2. By amending rule 67(a) as follows:

67(a) The election of Officers of the Branch Committee of Management and of other Officers required to be elected under this Rule shall be conducted by the Branch Returning Officer by secret postal ballot of financial members of the Branch. The positions referred to in rules ~~68(b) and (c)~~ 75(e), 76(d) and 76A(f) *not otherwise specified as being elected by the financial members of the Branch* shall be elected by secret postal ballot of financial members of the relevant Industry Section.”

Reason in Support

An error occurred when rules were renumbered in 2004 and the current cross references are incorrect. The alteration amends the incorrect cross referencing.

3. By amending rule 67(vi)(d)(A) as follows:

67(d)(vi)(A) after the closing date of the ballot in the presence of scrutineers appointed pursuant to Rule ~~72~~ 71(c), to open each envelope referred to in (d)(iv)(A)(2) above which has been returned to him/her, examine the section of the envelope referred to in (d)(iv)(A)(3) above, strike the name of the member appearing thereon off the roll as having voted in the election, and subject to (B) below, admit the inner envelope marked 'ballot paper only' containing the ballot paper to the count after removing it from the outer envelope;

Reason in Support

The cross reference in 67(d)(vi)(A) to “72(c)” is incorrect and should read 71(c).

4. By amending rule 75(e) as follows:

75(e) Branch Vice Presidents and Sectional Representatives shall be elected *by and* from the members comprising the respective Industry Sections as provided in Rule 46.

Reason in Support

The AEC stated that although the intent of the current rule seems to be to limit the electorate for Branch Vice President and Sectional Representatives to the members of the respective Industry Sections, the rule fails to expressly say this. The term “from” indicates that nominees must be from the respective Industry Section, however there is no use of the term “by”, which relates directly to the electorate (see rule 75(d) for an example of “by and from”). This rules alteration corrects any confusion and clarifies that the representatives are elected by as well as from the members of the respective Industry Sections.