

Regulation 126(1) Notice of Alteration to CEPU RULES – SECTION C PLUMBING DIVISION

1. By amending rule 48 as follows:

48 - MANAGEMENT OF BRANCHES

48.1 Establishment of Branches and Sub-Branches

48.1.1 There shall be a Branch of the Division in each State, other than South Australia and Tasmania. All members shall be attached to the Branch in the State in which they are resident provided that members in the Australian Capital Territory shall be attached to the New South Wales Branch.

48.1.2 Divisional Council shall be empowered to establish a Branch in any Territory of the Commonwealth.

48.1.3 Each Branch may appoint district, job and/or site stewards, and shall control and be responsible for the effective organisation of all sub-Branches within its own State or Territory as the Branch from time to time considers necessary or desirable.

48.1.4 However, there shall be:

48.1.4.1 a Newcastle sub-Branch of the New South Wales Branch comprising all of the members of that Branch resident within a radius of forty (40) kilometres from the Newcastle Post Office;

48.1.4.2 a Geelong sub-Branch of the Victorian Branch comprising all of the members of that Branch resident within a radius of forty (40) kilometres from the Geelong Post Office; and

48.1.4.3 an Australian Capital Territory sub-branch of the New South Wales Branch comprising all members of that Branch resident in the Australian Capital Territory.

48.1.5 The Newcastle and Geelong and Australian Capital Territory sub-Branches shall not be abolished or amalgamated with any other sub-Branch or have its territory altered in any way unless a majority of the members of such sub-Branch voting in a plebiscite conducted for the purpose, consents to such abolition, amalgamation or alteration.

48.2 Committee of Management

48.2.1 The business of each Branch and sub-Branch shall, subject always to the review and control of a Special or General Meeting of the Branch, be conducted by a Committee of Management *which for and from the 2019 quadrennial elections will ~~consisting~~ consist of the following:*

(a) Branch President;

(b) Branch Vice-President;

(c) Branch Secretary;

(d) Branch Assistant Secretary~~ies~~ (if any);

(e) Two Branch Trustees; *and*

~~(f) Branch Organisers (if any); and~~

~~(f)(g)~~ not more than nine (9) other Committee members, the number of whom shall be determined by the Branch at Annual Meeting or Special Meeting of the members,

- (i) one of whom, in the case of the New South Wales Branch, shall be elected exclusively by and from the members of that Branch attached to the Newcastle sub-Branch and one of whom shall be elected exclusively by and from the members of the Branch attached to the Australian Capital Territory sub-Branch; and
- (ii) one of whom, in the case of the Victorian Branch shall be elected exclusively by and from the members of that Branch attached to the Geelong sub-Branch.

48.2.2 *With the exception of the Branch Secretary and Assistant Branch Secretary* ~~F~~ full time officers of the Branch shall not exercise a vote at any meeting of the Committee.

48.2.3 Despite sub-rule 48.2.1, *for and from the 2019 quadrennial elections*, the Committee of Management of the Western Australian Branch shall consist ~~of~~ of the following:

- (a) Branch President;
- (b) Branch Vice President (if any);
- (c) Branch Secretary;
- (d) Branch Assistant Secretary (if any);
- (e) Up to two Branch Trustees; *and*
- (f) ~~Branch Organiser/s (if any); and~~
- ~~(f)(g)~~ not more than nine (9) other Committee members, the number of whom shall be determined by the Branch at Annual meeting or Special Meeting of the members;

and the question of whether an election is conducted for the office of Branch Vice President, Branch Assistant Secretary *and* Branch Trustee or Trustees ~~and Branch Organiser~~ at any election shall be determined by the Committee of Management prior to the election concerned.

48.3 A majority of the members of the Committee shall form a quorum.

48.4 The Committee of Management shall:

48.4.1 be entrusted with the management of the business of all meetings, and with the direction and recording of all proceedings in connection therewith;

48.4.2 transact any business of the Branch requiring immediate attention, and shall report to the next meeting of such Branch;

48.4.3 not allocate any moneys from the General Fund held by the Branch, except in accordance with these Rules;

48.4.4 have power to call a Special Meeting for any time or at any place in cases of important or urgent business requiring the immediate attention of the Branch;

48.4.5 have the power to employ Organisers, including temporary organisers and other staff as necessary for the operation of the Branch. Organisers employed under this Rule must be eligible for election to the office of Organiser in accordance with these Rules.

48.5 The Committee of Management shall meet as often as may be necessary, and except where such meetings are held at regular periods, such meetings shall be convened on at least 24 hours' notice by posted notice, e-mail, telephone or other convenient method.

48.6 Each member of the Committee of ~~Management~~ ~~Managment~~ may be allowed an amount of not more than what is decided by the Divisional Executive from time to time, per night of attendance as a meal allowance or to cover incidental ~~expenses~~ ~~expeneses~~.

2. By amending rule 49 as follows:

49 - BRANCH ELECTIONS

49.1 Elections shall be held in ~~2019~~ ~~1995~~ and every four (4) years thereafter for the following Branch Officers and representatives:

49.1.1 Branch President;

49.1.2 Branch Vice-President;

49.1.3 two Branch Trustees;

49.1.4 the number of Branch Committee Members not exceeding nine (9) as determined by the Branch pursuant to Rule 48 "Management of Branches";

49.1.5 the Federal Vice-President to which the Branch is entitled pursuant to Rule 19.~~4~~~~3~~;

49.1.6 the Federal Councillor or Councillors (if any) to which the Branch is entitled pursuant to Rule 19. ~~4~~~~3~~;

49.1.7 Branch Secretary;

49.1.8 Branch Assistant Secretar~~y~~~~ies~~ (if any);

49.1.9 Branch Organisers (if any).

49.1.10 Branch Delegate to National Council (if any required under Sub-rule 19.~~4~~~~6~~)

49.2 *The number of Branch Organisers (if any) to be elected at an election shall be determined by the relevant Branch Committee of Management prior to the election concerned.*

CLAUSES RENUMBERED ONWARDS

49.~~2~~.~~3~~ The Branch Returning Officer shall call for nominations for election to each of the offices in Sub-rule 49.1. Each nomination shall be in writing and shall be signed by the candidate.

49.~~3~~.~~4~~ Every member of the Branch shall be eligible to nominate provided that:

49.~~3~~.~~4~~.1 for the office of Federal Vice-President, ~~or~~ ~~Federal Councillors~~, *Branch Secretary or Assistant Branch Secretary*, a nominee must have been a financial member of the Division for at least ~~twelve (12) months~~ *twenty four (24) months* immediately prior to the time of nomination for election, *be financial at the time of nomination* and must have been a member of the Division for the three years preceding the time of nomination; and

49.~~3~~.~~4~~.2 for all *other* offices ~~other than those of Federal Vice President and Federal Councillor~~, a nominee must have been a *financial* member of the Division for a total period of not less than twelve (12) months *immediately prior to the time of nomination* and be financial at the time of nomination.

- 49.4.5 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.
- 49.5.6 If no more nominations for election to any office are received than the number of vacancies in such office, then the Branch Returning Officer shall forthwith declare the person or persons nominated to have been elected to such office. If, after any withdrawals, there are no more nominations than the number of vacancies in any office, then the Branch Returning Officer shall forthwith declare the person or persons nominated to have been elected to such office.
- 49.6.7 If there are more nominations for election to any office than there are vacancies in such office the Branch Returning Officer shall fix dates when the ballot shall open and close provided that the ballot shall close not later than the 30th day of June. The period between the opening and closing dates of the ballot shall be not less than ten (10) days nor more than twenty-one (21) days.
- 49.7.8 The election shall be by means of a secret postal ballot and the Branch shall provide the Branch Returning Officer with a post office box address for the return of the ballot papers.
- 49.8.9 The Branch Returning Officer shall obtain the keys of a box at a Post Office in the capital city of the State or Territory in which the election is being held. Such keys shall not pass from the possession of the Branch Returning Officer at any time during an election. The Branch Returning Officer shall give each scrutineer reasonable notice of his/her intention to open the post office box and any scrutineer may as a result of such notice be in attendance.
- 49.9.10 Each Branch Returning Officer shall have compiled a list of all members of the Branch who are eligible to vote and shall use such list in the conduct of the said election. The roll of voters shall close 7 days before the date nominations open.
- 49.10.11 Every member of the Branch who is financial at the date 7 days before the opening of nominations shall be eligible to vote.
- 49.11.12 The election shall be conducted under the "first past the post" voting system. The position of all candidates' names for each office on the ballot paper shall be drawn for.
- 49.12.13 The Branch Returning Officer shall cause to be prepared sufficient ballot papers which shall not be numbered or otherwise marked except with the Branch Returning Officer's initials together with declaration envelope and pre-paid envelopes addressed to the box number at the Post Office referred to in sub-rule 49.8. The declaration and prepaid envelopes must comply with the forms prescribed by the Fair Work (Registered Organisations) Regulations 2009.
- The Ballot paper shall contain in a prominent position the date and time of the closing of the ballot and ballot papers received after that date shall not be included in the ballot.
- 49.13.14 The Branch Returning Officer shall by pre-paid post forward a ballot paper, a declaration envelope and reply-paid envelope in the presence of such scrutineers as wish to be present on a date to be determined by the Branch Returning Officer to each voter entitled to vote within the Branch in accordance with the roll of voters.
- 49.14.15 A candidate may in writing appoint any member of the Union who is not a candidate in the election to be his/her scrutineer but such scrutineer shall not in any way obstruct the Branch Returning Officer in the performance of his/her duties nor shall the scrutineer in any way interfere with the conduct of the ballot.

~~49.15.16~~ A scrutineer shall, so far as it is possible having regard to the time of appointment and to the form of election be conducted, be entitled to observe the forwarding of nomination forms by the Returning Officer, the consideration of nomination forms, to inspect the nomination forms, to observe the form and distribution of ballot papers, the collection of the envelopes containing the ballot papers from the post office box where appropriate, the checking of votes, the conduct and determination of the election by lot and the declaration of the ballot and to observe every act performed or directed by the Returning Officer which may affect the result of the election. The Returning Officer shall take all reasonable steps by notification or otherwise to enable each Scrutineer to exercise these entitlements. A scrutineer shall direct the attention of the Returning Officer to any irregularity he/she may detect whether in the nomination forms, nominations, the form of distribution of ballot papers, the admission and counting of any ballot paper, or in respect of any other matters to be observed or done under these Rules. A scrutineer shall do all these things necessary so that the conduct of the election shall conform to these Rules and so that the secrecy of the ballot shall be observed.

~~49.16.17~~ At the close of the ballot, the Branch Returning Officer in the presence of the scrutineers of all candidates (if available) shall, after first removing the flaps or labels from the declaration envelopes and then removing the ballot papers from the declaration envelopes, count all ballot papers and shall within fourteen days of the close of the ballot declare the result of the elections and the persons declared elected shall occupy their respective positions forthwith.

~~49.17.18~~ A person elected to office pursuant to the provisions of this Rule shall retain it until a successor is duly elected unless he/she dies, resigns or is removed from office in accordance with these Rules. The holder of an office shall be entitled to nominate for re-election to any office if he/she is otherwise eligible in accordance with these Rules.

~~49.18.19~~ The Returning Officer shall make reasonable arrangements for the recording of absentee votes.

~~49.19.20~~ In conducting the ballot, the Returning Officer shall take all reasonable steps and may give all reasonable directions to ensure that no irregularity occurs.