

## Regulation 126(1) Notice of Alteration to CEPU Rules Section A covering the National Council

1. By amending rule 4.3 as follows:

- 4.3 “Declared person or body” - A person is a declared person or body if:
- 4.3.1 an officer of the Union has disclosed a material personal interest ~~under rule 33~~; and
  - 4.3.2 the interest relates to, or is in, the person or body; and
  - 4.3.3 the officer has not notified the Union that the officer no longer has the interest.

2. By deleting rule 30.2 as follows:

~~30.2—The National Council shall develop procedures to satisfy the disclosure obligations in rules 32 to 34.~~

3. By deleting rules 31 to 34 (inclusive) and renumbering rule 35 as rule 31 as follows:

### ~~31 35~~— GOVERNANCE AND COMPLIANCE

#### ~~3135.1~~ Powers of the National Secretary

~~3135.1.1~~ Notwithstanding anything in the rules of the Union, the National Council is empowered to authorise the National Secretary to take all steps necessary to ensure compliance by the CEPU in connection with the Reporting Obligations.

~~3135.1.2~~ Without limitation to the power conferred by rule ~~3135.1.1~~, the National Council is empowered to authorise the National Secretary to:

- direct any officer or employee of the CEPU, including of its branches, to provide any information or document within their possession or control necessary for the satisfaction of the Reporting Obligations;
- access any premises and review any databases held by the CEPU, including its branches, for the purpose of satisfying the Reporting Obligations; and
- require any officer or employee of the CEPU, including of its branches, to provide such assistance as is necessary for the satisfaction of the Reporting Obligations.

#### ~~3135.2~~ Auditing of membership data

~~3135.2.1~~ Where a reporting unit is required to include membership numbers in any report prepared pursuant to the Reporting Obligations, the reporting unit shall obtain an audit report of these numbers. The report shall comprise a break down of financial and total members.

~~3135.2.2~~ Each reporting unit shall comply with the following conditions in obtaining an audit report of its membership numbers under rule ~~3135.2.1~~:

- (a) engage a registered company auditor; and
- (b) request that the work performed in the audit be in accordance with Australian Accounting Standard 802 “The Audit Report on Financial Information Other than a General Purpose Financial Report” and Auditing Guidance Standard 1044 “Audit Reports on Information Provided Other than a Financial Report” or any successor to these standards.

**3135.2.3** The independent audit report shall include an audit certificate signed by the auditor detailing the financial and total membership of the reporting unit.

4. By amending rule 7.14.5 to correct an error by inserting the word “not” as follows:

7.14.5 In addition, nominal votes shall be exercised as follows:

7.14.5.1 the Divisional Secretaries of the Electrical, Energy and Services Division and the Plumbing Division shall split equally and exercise an equal number of nominal votes as the additional nominal votes allocated to the Communications Division. If the votes are *not* equally divisible, the Divisional Secretaries of those Divisions shall decide among themselves who exercises the additional vote or votes. If agreement cannot be reached it shall be decided by the drawing of lots.

5. By amending rule 8.4.2.8 to update the reference to the Fair Work Commission as follows:

8.4.2.8 within 35 days following a National Council decision lodge with the *Fair Work Commission* ~~Industrial Registrar of the Industrial Relations Commission~~, amended rules for registration;

6. By amending rule 14 as follows:

#### **14 - NATIONAL COUNCIL RETURNING OFFICER**

14.1 Appointment of Returning Officers

In each election year immediately following acceptance by the Annual Meeting of National Council of Councillors' credentials, National Council shall appoint a ~~National~~ Returning Officer *to conduct the election of the National Executive Officers. and Deputy Returning Officers in each State who will hold office until the next election. Wherever possible Deputy Returning Officers shall be a Returning Officer appointed under Divisional rules.*

*14.2 In any other election conducted under these rules, the election will be conducted by a returning officer from the Australian Electoral Commission.*

7. By renumbering rule 14.2 as 14.3.

8. By deleting rule 36.

## Section B covering the Electrical, Energy and Services Division

1. By deleting rule 21.3 as follows:

~~21.3—The Division and Divisional Branches shall develop procedures to satisfy the disclosure obligations in rules 22 to 27.~~

2. By deleting rules 22 to 27 (inclusive) and renumbering rules 28 to 43 so that.

Rule 28 becomes rule 22  
 Rule 29 becomes rule 23  
 Rule 30 becomes rule 24  
 Rule 31 becomes rule 25  
 Rule 32 becomes rule 26  
 Rule 33 becomes rule 27  
 Rule 34 becomes rule 28  
 Rule 35 becomes rule 29  
 Rule 36 becomes rule 30  
 Rule 37 becomes rule 31  
 Rule 38 becomes rule 32  
 Rule 39 becomes rule 33  
 Rule 40 becomes rule 34  
 Rule 41 becomes rule 35  
 Rule 42 becomes rule 36  
 Rule 43 becomes rule 37

3. By amending specific cross referencing in rules as follows:

| <b>Current rule</b> | <b>New rule reference</b> | <b>Current cross reference</b> | <b>New cross reference</b> |
|---------------------|---------------------------|--------------------------------|----------------------------|
| 12.5.5              | No change                 | 35.2                           | 34.2                       |
| 12.5.5              | No change                 | 35.2                           | 34.2                       |
| 20.1.1              | No change                 | 39.2                           | 37.2                       |
| 20.3.1.5            | No change                 | 32                             | 33                         |
| 28.3.4              | 22.3.4                    | 21.3.3                         | 22.3.3                     |
| 28.6.4              | 22.6.4                    | 21.6.3                         | 22.6.3                     |
| 30.1.2              | 24.1.2                    | 23.2                           | 24.2                       |
| 30.1.3              | 24.1.3                    | 23.2                           | 24.2                       |
| 30.1.4              | 24.1.4                    | 23.2                           | 24.2                       |
| 31.5.2              | 25.5.2                    | 31.5.1.1                       | 25.5.1.1                   |
| 31.5.6              | 25.5.6                    | 31.5.1.2                       | 25.5.1.2                   |
| 31.5.6              | 25.5.6                    | 31.5.2                         | 25.5.4                     |
| 32.1.1              | 26.1.1                    | 34.5                           | 28.5                       |
| 34.2.1              | 28.2.1                    | 34.6                           | 28.6                       |
| 39.3.3              | 33.3.3                    | 39.3.1                         | 33.3.1                     |
| 39.3.4              | 33.3.4                    | 39.3                           | 33.3                       |
| 43.2.2              | 37.2.2                    | 43.2.1                         | 37.2.1                     |

4. By amending rule 4.2.6 as follows:

4.2.6 The *relevant* Divisional *Branch Executive State Council* shall have the power to reject an application for membership of a person who is of general bad character. Provided that any rejected candidate shall have the right to appeal to the Divisional Council. The Divisional Secretary or *relevant* Divisional Branch Secretary shall have power to refer any application for membership to the *relevant* Divisional *Executive Branch State Council* for decision under this clause. ~~and shall do so within seven days of a resolution so to do being passed by a Divisional Branch Executive or by a meeting of the Divisional Branch State Council.~~

5. By amending rule 7.6.1.2 as follows:

7.6.1 Special meetings of the Divisional Council may be held in the following circumstances:  
7.6.1.1 ...  
7.6.1.2 Where *deemed necessary* ~~extenuating circumstances exist~~, by the Divisional Executive Committee.  
7.6.1.3 ...

6. By amending rule 15.17.10 as follows:

15.17.10 All nominations shall be in writing and endorsed by two financial members, other than the candidate, who have been at least ~~three~~ *twelve* months in this Division of the Union.

7. By inserting a new rule 25.6.2 (current rule 31.6.2) as follows:

**25.6 ~~31.6~~ Superannuation for Officials**

25 ~~31~~.6.1 In addition to any other provision of this rule, the Division and each Divisional Branch shall make employer superannuation contributions at the rate of 12% for each officer of this Division, including Divisional Secretary, Assistant Divisional Secretary, Divisional Branch Secretaries, Divisional Assistant Branch Secretaries and Organisers; and Divisional Research/Industrial Officers and Industrial Officers.

25.6.2 *An officer as referred to in 25.6.1 who has reached their concessional contributions cap may elect to have additional Superannuation payments in excess of the concessional contributions cap paid as wages, into an industry redundancy fund or elect to continue to have it paid into the nominated Superannuation account. An officer cannot make such an election if it would result in a breach of the Superannuation Guarantee. Any election must be made in writing by the officer and authorised by the Divisional or Branch Secretary as the case may be.*

8. By amending new rule 36.2 (current rule 42.2) as follows:

**36. ~~42.2~~ Rules of Distress & Mortality Funds**

The fund shall not operate unless its Rules have been considered by the Divisional Executive *and/or the Divisional Council*, which may approve the Rules or refer them for consideration at the next following meeting of the Divisional Council.