

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 1” 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 national rules of the applicant as follows:

**SECTION A OF THE CEPU RULES COVERING THE NATIONAL COUNCIL**

1. Under rule 7.1 dealing with the powers of the National Council, insert a new sub rule 7.1.2.11 and renumber the existing sub rules 7.1.2.11 to 7.1.2.13 as 7.1.2.12 to 7.1.2.14 as follows:

*7.1.2.11 on the recommendation of the National Secretary, the National Council may approve a budget for the Council’s expenditure.*

2. Under rule 8.4 dealing with the powers of the National Secretary, delete sub rule 8.4.2.10 and insert a new sub rule 8.4.3 and 8.4.4 as follows:

**8.4 National Secretary**

~~8.4.2.10 expend such monies as are necessary for the administration of the union in accordance with rule 7.1 "Powers of National Council" and rule 19 "Property and Funds of the Union".~~

8.4.3 *The National Secretary may recommend a budget to the National Council for Council expenditure.*

8.4.4 *The National Secretary may expend the funds of the National Council for purposes including but not limited to:*

8.4.4.1 *the ordinary expenses of managing the National Council;*

8.4.4.2 *recurrent expenditure of the National Council;*

8.4.4.3 *budgeted expenditure of the National Council;*

8.4.4.4 *purposes determined by resolution of the National Council; and*

8.4.4.5 *amounts for purposes other than those referred to in sub rules 8.4.4.1 to 8.4.4.4 of no more than \$10,000.00; and*

8.4.4.6 *expenditure in accordance with rule 19, "Property and Funds of the Union".*

*provided that the National Secretary, following the expenditure, must report the expenditure to the next meeting, other than an urgent meeting, of the National Council.*

3. Amend rule 19.2.3 dealing with the property and funds of the union, as follows:

19.2.3 *Subject to rule 8.4.4, the funds of the National Council shall be invested and expended only in accordance with the directions and/or decision of the National Council."*

**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 21st December 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 national 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 prescribed by the CEPU rules to alter the rules of the union, the proposed alterations were made in accordance with those procedures as detailed below.

4. **Action taken under the rules by the National Council to make the alterations** - pursuant to national rule 21.1, the National Council has exclusive power to make, amend or rescind the national rules of the union. The National Council approved the rules alterations detailed in this notice in accordance with the following procedure:

4.1 National rule 7.4 requires that the CEPU National Council meets every year at a date and place to be determined by the National Executive Officers. Then National Executive Officers determined that the annual meeting would be held on 9 December 2020. In view of the constraints on meeting face to face due to the COVID-19 cross border and health restrictions, the National Executive Officers determined that the meeting would be conducted via zoom.

4.2 On 9 November 2020, in accordance with national rule 9 all members of the National Council were notified in writing by the National Secretary of the time, date, place and agenda of the annual meeting of the National Council.

4.3 On 9 November 2020, in accordance with rule 7.9 the agenda paper was prepared by the National Secretary and forwarded to each member of the National Council at least 30 days prior to the Annual meeting. Rules alterations were included as agenda item 9.

4.4 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. With respect to the annual meeting, with the exception

of one member of the Council, every member either participated in the meeting, appointed a proxy for their participation or, in two cases, extended their apology for not participating in the meeting. Thus, the quorum requirements of rule 7.11 were satisfied as each Division was represented plus a majority of National Councillors participated in the meeting.

4.5 National rule 7.17, “Carrying of National Council Resolutions” requires that a resolution is carried if at least 60% of the votes are cast in favour of a resolution. The resolution to approve the rules alterations was unanimously supported by the National Councillors thereby satisfying the requirements of rule 7.17.

**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.

A handwritten signature in black ink, appearing to read 'AL AL', is positioned above the typed name.

Allen Hicks  
NATIONAL SECRETARY