

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:

**CEPU NATIONAL RULES (SECTION A)**

1. Delete national rule 7.10.6 and insert a new rule as follows:

~~7.10.6—where the female membership in a Division exceeds 5% of the members in that Division there shall be one affirmative action delegate. In the case of the Communications Division the Affirmative Action delegate will be the Divisional Vice President Affirmative Action.~~

*7.10.6 one (1) additional Affirmative Action (Women) delegate from each Division, (comprising three (3) in total), as follows:*

*7.10.6.1 in the case of the Plumbing Division where the female membership in the Division exceeds 5% of the members in that Division, the Division shall elect a National Affirmative Action (Women) delegate;*

7.10.6.2 *in the case of the Communications Division, the Divisional Vice President Affirmative Action shall also be a National Affirmative Action (Women) delegate; and*

7.10.6.3 *in the case of the Electrical, Energy and Services Division, on and from the 2023 quadrennial elections, the Divisional Affirmative Action (Women) Councillor on the Divisional Council shall also be a National Affirmative Action (Women) delegate.*

## **RULES OF THE ELECTRICAL ENERGY & SERVICES DIVISION (SECTION B)**

2. Delete sub rule 15.4.4 and insert a new sub rule 15.4.4 as follows:

### **15.4 Election of National Councillors**

National Councillors shall be elected in accordance with 15.16 "Conduct of Elections" and 15.21 "Conduct of Elections - Direct Voting" as follows:

15.4.1 The Divisional Secretary shall be also elected as a National Executive Officer. National Executive Officers are also National Councillors.

15.4.2 The Divisional Branch Secretaries shall be elected as a Divisional Branch Secretary/National Councillor.

15.4.3 The Divisional Branch Presidents of the New South Wales and Victorian branches shall be elected Divisional Branch President/National Councillor.

~~15.4.4 Where the female membership of the Electrical, Energy and Services Division exceeds 5% of the financial membership of the Division, an affirmative action delegate shall be elected by the female members of the Division eligible to vote in accordance with rule 15.16.3 and 15.24, to represent the Division on National Council.~~

15.4.4 *On and from the 2023 quadrennial elections, the Divisional Affirmative Action (Women) Councillor on the Divisional Council shall also be the National Affirmative Action (Women) delegate.*

3. Amend rule 5.7 as follows:

### **5.7 Honorary Membership (*all States except Victoria*)**

5.7.1 When a financial member reaches the age of fifty-five (55) years, and ceases to work in industry or is forced to permanently retire through ill health or accident before reaching fifty-five (55) years, he or she shall be eligible to apply to have his or her name retained on the records of the Division as an honorary member. Upon honorary membership being granted, he or she shall be entitled to all the rights of membership.

5.7.2 A Divisional Branch State Council may determine that Honorary Members pay an amount of fees or contributions in order that all the rights of membership are provided to Honorary Members including

access to union distress and mortality benefits, discount purchasing services, affiliations and lobbying and the supply of union journals.

## **5.8 Life Membership (*all States except Victoria*)**

**5.8.1** Life Membership shall be the highest honour the Union can confer on a member for services rendered. Life membership of the Division may only be conferred by the Divisional Council either on its own motion or on recommendation by the Divisional Executive or a Divisional Branch Executive or Divisional Branch State Council. Life membership of a Branch may only be conferred by the relevant Divisional State Council or Divisional State Conference either on its own motion or by recommendation by the Divisional Branch Executive.

**5.8.2** The relevant Divisional State Council or Branch Executive will determine whether or not a member on whom life membership is conferred will be required to pay contributions.

### 4. Insert a new rule 5.9 as follows:

## **5.9 Victorian Branch Membership**

### **5.9.1 Divisional Life Membership**

Divisional Life Membership shall be the highest honour the Union can confer on a member for exceptional services rendered. A Divisional Life member is a member who has dedicated the majority of their working life to the principles and beliefs that the ETU stand for. He or she must have been an activist, Delegate or Official as well as widely recognised and respected for their contribution not only to the ETU but the wider union movement, and to the broader working-class struggle in general. Life membership of the Division may only be conferred by the Divisional Executive either on its own motion or on recommendation by a Divisional Branch Executive or Divisional Branch State Council.

Once debated and endorsed by Divisional Branch Executive and upon Divisional Life Membership being granted, he or she shall be entitled to all the rights of membership inclusive of Divisional Branch Life Membership and any other benefits determined by the Divisional Branch Executive.

### **5.9.2 Divisional Branch Life Membership**

When a financial member reaches the age of fifty-five (55) years, who has been an activist, has represented the Branch either as an Official or Delegate, has core union values with a sustained dedication to the union movement in Victoria and ceases to work in industry or is forced to permanently retire through ill health or accident before reaching fifty-five (55) years, he or she shall be conferred on its own motion by Divisional Branch Executive or by recommendation by the Divisional

Branch State Council or Divisional Branch Conference to have his or her name retained on the records as an Divisional Branch Life Member.

Once debated and endorsed by Divisional Branch Executive and upon Divisional Branch Life Membership being granted, he or she shall be entitled to all the rights of membership inclusive of Honorary Membership and any other benefits determined by the Divisional Branch Executive.

### 5.9.3 Honorary Membership

When a financial member reaches the age of fifty-five (55) years, who has been a member for over 25 years and ceases to work in industry or is forced to permanently retire through ill health or accident before reaching fifty-five (55) years, he or she shall be eligible to apply or be nominated to have his or her name retained on the records of the Division as an Honorary Member. Upon Honorary Membership being debated and endorsed by Divisional Branch Executive, he or she shall be entitled to all benefits determined by the Divisional Branch Executive.

## 5. Delete rule 33 and insert a new rule 33 as follows:

### ~~33—UNION MAGAZINE, JOURNAL OR NEWSPAPER~~

~~33.1—The Division may own and control a union magazine, journal or newspaper. The Divisional Secretary shall edit and publish the magazine, journal or newspaper and shall receive and disburse all moneys appertaining to the business administration of the paper.~~

~~33.2—Each Divisional Branch shall pay four dollars (\$4) per member yearly to defray the cost of production and distribution of the magazine, journal or newspaper, such contributions to be contributions due to the Divisional Fund and to be collected by the Divisional Branch Secretaries. Divisional Branch Secretaries shall furnish a short quarterly report to the Divisional Secretary for publication in the magazine, journal or newspaper.~~

~~33.3—Branches to supply record of information~~

~~33.3.1—Each Divisional Branch Secretary will compile a record of information on the last day of the periods ending February, May, August and November in each year.~~

~~33.3.2—The record of information to be compiled is to be provided to the Divisional Secretary electronically in the electronic format the Divisional Secretary requests.~~

~~33.3.3—Each Divisional Branch Secretary will ensure the record of information compiled in accordance with sub-rule 33.3.1 is received by the Divisional Secretary no later than one week after the last day of the relevant period, that is February, May, August and November.~~

~~33.3.4—For the purpose of sub-rule 33.3 “information” means in respect of each member of the Divisional Branch their:~~

- ~~a) name;~~
- ~~b) postal address;~~
- ~~c) email address;~~
- ~~d) occupation; and~~
- ~~e) place of employment; and~~
- ~~f) financial status, that is, whether or not the member is financial or unfinancial.~~

### **33 – UNION PUBLICATIONS**

- 33.1. *The Division may own and control a union magazine, journal, newsletter, e-newsletter and/or other Divisional publication (“Long-Format Publications”).*
- 33.2. *The Divisional Secretary shall edit and publish a magazine, journal or newspaper newsletter, e-newsletter, social media communications and/or other publications on behalf of the Division (“Divisional Publications”) and shall receive and disburse all moneys appertaining to the business administration of such publications.*
- 33.3. *The cost of production and distribution of Long-Format Publications shall be met by each Divisional Branch on a proportionate basis. Such contributions to be contributions due to the Divisional Fund and to be collected by the Divisional Branch Secretaries. Divisional Branch Secretaries shall furnish a yearly report to the Divisional Secretary for publication in the magazine.*
- 33.4 ***Branches to supply record of information***
- 33.4.1 *Each Divisional Branch Secretary will compile a record of information each month in each year.*
- 33.4.2 *The record of information to be compiled is to be provided to the Divisional Secretary electronically in the electronic format the Divisional Secretary requests.*
- 33.4.3 *Each Divisional Branch Secretary will ensure the record of information compiled in accordance with sub-rule 33.4.1 is received by the Divisional Secretary no later than one week before the last day of each month in each year.*
- 33.4.4 *For the purpose of sub-rule 33.4 “information” means in respect of each member of the Divisional Branch their:*
- a) name;*
  - b) postal address;*
  - c) email address;*
  - d) mobile number;*
  - e) date of birth;*
  - f) Industry section;*
  - g) occupation;*
  - h) place of employment;*
  - i) gender; and*

*j) financial status, that is, whether or not the member is financial or unfinancial.*

*33.5 The Divisional Secretary shall be authorised to use the information in sub rule 33.4.4 for the purposes of communicating with members on matters of Divisional importance as approved by Divisional Executive including but not limited to emails, text messages, letters, phone calls, magazines, journals or newspaper newsletters, e-newsletters and/or other Divisional publications.*

*33.6 Where prompt action is required in respect of a matter pursuant to rule 33.5, the Divisional Secretary, in consultation with and with the agreement of the majority of Divisional Executive Officers, shall be empowered to take such action as is necessary in the circumstances. In such circumstances the Divisional Secretary must ensure all Divisional Branch Secretaries are advised of such communications and the content thereof prior to being distributed to members.*

## 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 28 June 2021, 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. 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 national rules and the rules covering the CEPU Electrical, Energy and Services Division (the divisional rules). 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 under the rules by the Division to make the alterations - the Electrical, Energy and Services Divisional Executive** approved the divisional rules alterations as detailed in this notice, in accordance with the following procedure:

5.1 Divisional rule 3 requires the Divisional Council or the Divisional Executive to adopt alterations to the divisional rules prior to the alterations being placed before the National Council for approval.

5.2 The Divisional Executive approved the alteration of divisional rule 33 as follows:

5.2.1 A meeting of the Divisional Executive was called in accordance with divisional rule 8.5. As required by rule 13.2 notification of the meeting on 2 February 2021 occurred not less than 7 days prior to the holding of the meeting on 3 March 2021. In that notification the Divisional Secretary

caused members of the Divisional Executive to be advised in writing of the time, date and place of the meeting held on 3 March 2021.

- 5.2.2 Divisional rule 8.4 prescribes that a majority of Divisional Executive members shall constitute a quorum. As a majority of Divisional Executive members attended the meeting, the quorum requirement of rule 8.4 was met.
- 5.2.3 The resolution to adopt the rules alteration was approved by the Divisional Executive with all the Executive members participating in the meeting voting unanimously in favour of the resolution to approve the rules alteration.
- 5.2.4 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 in accordance with national rule 21.1, “New Rules and Alterations to Rules”.
- 5.3 The Divisional Executive approved the alteration of divisional rules 5.7, 5.8 and 15.4 and the insertion of a new rule 5.9 as follows:
  - 5.3.1 A meeting of the Divisional Executive was called in accordance with divisional rule 8.5. As required by divisional rule 13.2, notification of the meeting on 5 March 2021 occurred not less than 7 days prior to the holding of the meeting on 15 March 2021. In that notification the Divisional Secretary caused members of the Divisional Executive to be advised in writing of the time and date of the meeting and that it would be held as a Zoom meeting.
  - 5.3.2 Divisional rule 8.4 prescribes that a majority of Divisional Executive members shall constitute a quorum. As a majority of Divisional Executive members attended the meeting, the quorum requirement of rule 8.4 was met.
  - 5.3.3 The resolution to adopt the rules alterations was approved by the Divisional Executive with all the Executive members participating in the meeting voting unanimously in favour of the resolution to approve the rules alterations.
  - 5.3.4 As required by divisional rule 3, “New Rules & Alterations or Rescission of Rules”, the rules alterations were therefore adopted by the Division prior to being placed before the National Council for its adoption in accordance with national rule 21.1, “New Rules and Alterations to Rules”.
- 6. 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 alterations to national rule 7.10.6 and divisional rules 5.7, 5.8, 15.4 and 33 and the insertion of new divisional rule 5.9 (the rules alterations) 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 20 May 2021 the National Secretary, with the agreement of the National President, submitted the rules alterations by email to the members of the National Council for an out of session decision which closed on 28 May 2021.



- 6.2 Members of the National Council submitted their vote on the rules alterations by 28 May 2021.
- 6.3 National rule 7.11 “Quorum of National Council” prescribes that, provided each Division is represented, a majority of the 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 approving the rules alterations met the quorum requirements of national rule 7.11 as a majority of the National Councillors participated in the vote and each Division was represented in the vote.
- 6.4 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.



Allen Hicks  
NATIONAL SECRETARY