

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 A” 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 rules covering the Electrical, Energy and Services Division (the divisional rules) of the applicant as follows:

Insert a new sub rule 15.20.5 and re-number 15.20.5 as 15.20.6 as follows:

15.20.4 Candidates for all other positions must have been financial members of this Division in accordance with rule 5 "Entrance Fees and Contributions", for each quarterly period as it fell due within one year immediately preceding the date of nominations except where there are no more than the required number of nominees when each candidate shall be a financial member of the Division in accordance with rule 5 "Entrance Fees & Contributions".

15.20.5 Notwithstanding sub rule 15.20.4, with respect to the election of the Branch Affirmative Action (Women) Councillor to the State Council in Tasmania, a candidate for election to this position must have been a financial member of the union in conformity with the rules, for 6 months immediately preceding the date of nomination. . Provided that, where there are no more than the required number of nominees, the candidate need only be a financial member of the

branch in accordance with rule 5 “Entrance Fees and Contributions” at the date nominations

- 15.20.56 Notwithstanding sub rules 15.20.2, 15.20.3 and 15.20.4, continuous financial membership of the AEEFEU shall be counted as continuous financial membership of the CEPU for the purposes of those sub rules.

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 7 October 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 divisional 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 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 rules covering the CEPU Electrical, Energy and Services Division (the divisional rules), specifically to insert a new divisional rule, rule 15.20.5. 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 THE DIVISION - the Electrical, Energy and Services Divisional Council approved the insertion of a new rule, rule 15.20.5 (the rules alteration) as detailed in this notice, in accordance with the following procedure:

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

5.2 In accordance with divisional rule 7.6.1.2, dealing with special meetings of the Divisional Council, the circumstances of COVID-19 caused the Divisional Executive Committee to determine to hold a special meeting of the Divisional Council.

5.3 The special meeting of the Divisional Council was held on 21 September 2020 via video conferencing.

5.4 As required by rule 7.8, the agenda paper was prepared by the Divisional Secretary prior to the meeting. The resolution to approve the rules alteration was included on the agenda for the meeting.

- 5.5 Divisional rule 7.9 prescribes that the quorum for any meeting of the Divisional Council shall consist of delegates representing a majority of the Divisional Branches. As all the branches of the Division participated in the meeting, the quorum requirement of rule 7.9 was met.
- 5.6 The resolution to adopt the rules alteration was approved by the Divisional Council exercising their votes under divisional rule 7.4, with all the Council members participating in the meeting voting unanimously in favour of the resolution to approve the rules alteration.
- 5.7 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”.
6. **Action taken under the rules by the National Council to make the alterations - *The National Council*** approved the insertion of a new rule, rule 15.20.5 (the rules alteration) 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 24 September 2020 the National Secretary, with the agreement of the National President, submitted the rules alteration by email to the members of the National Council for an out of session decision which closed on 2 October 2020.
- 6.2 Members of the National Council submitted their vote on the rules alteration by 2 October 2020.
- 6.3 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. 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 alteration met the quorum requirements of national rule 7.11 as a majority of National Councillors participated in the vote and each Division was represented in the vote.
- 6.4 The resolution of National Council to approve the rules alteration met the voting requirements of national rule 7.17, “Carrying of National Council Resolutions”. In accordance with rule 7.17, at least 60% of the votes were cast in favour of the resolution to alter the rules.

7. 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