

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 plumbing divisional rules of the applicant as follows:

CEPU DIVISIONAL RULES COVERING THE PLUMBING DIVISION

1. By amending rule 2.14 as follows:

2.14 "Officer" shall mean a person holding an office in the Division in accordance with Rules ~~19.119.3~~, 28.1 *and/or* ~~48.2~~ *and/or* ~~63.3~~.

2. By inserting a new rule 2.17 as follows:

2.17 “Returning Officer” means a person nominated by the Australian Electoral Commission who is-not the holder of any office in the Union and is not an employee of the Union or of a Division, Branch, or sub-Branch of the Union.

3. By deleting rule 6.4 as follows and renumbering rules 6.5 to 6.9 as 6.4 to 6.8:

~~6.4 The signature of each applicant on his/her application shall be witnessed.~~

4. By inserting a new rule 10.2.5 as follows:

10.2.5 Where a member moves from apprenticeship to full-time employment, he or she will be required to pay the annual contribution rate for adult members from the date he or she commences full-time employment. Any difference between the annual contribution rate for adult members from that date and the apprentice rate that he or she has already paid in advance is to be payable by the member with his or her next payment of contributions under rules 10.1 and 10.5.

5. By inserting new rules 10.5 and 10.6 as follows:

10.5. Within its sole discretion, but subject to any determination of the Divisional Executive to the contrary, the Branch Committee of Management may determine that contributions required to be paid under rule 10.1 are to be paid in accordance with a flexible payment plan considered appropriate for that Branch, compliance with which will deem the member on such a plan to be in compliance with rule 10.1.

10.6 Contributions shall be paid by:

10.6.1 authorised deductions from salary;

10.6.2 direct debit from a bank, credit union or similar institution;

10.6.3 direct payments to the Branch; or

10.6.4 any other method determined to be appropriate by the Branch Committee of Management.

6. By amending rule 14 as follows:

14 - ARREARS

14.1 A member owing ~~more than half a year's~~ dues for fees, contributions, levies and fines shall be deemed unfinancial ~~and shall not be entitled to exercise a vote.~~ unless the default in payment arises through a banking, technical or other error or an unforeseen circumstance caused through no fault of the member or an unforeseen event such as an illness. A member who becomes unfinancial for any of these reasons will not be considered unfinancial for the time it takes to rectify the problem. In such a case, if requested, the member may be required to provide proof to the Branch Committee of Management of the circumstances leading to the default.

~~14.2 To avoid doubt, any member who is paying dues by direct debit, and who does not owe more than the equivalent of, cumulatively, 6 months' dues is financial and shall be entitled to exercise a vote.~~

14.3.2 A member who has an exemption under Rule 13 shall not be deemed unfinancial due to, in whole or part, the period of time for which the exemption subsists.

14.3 To avoid doubt, any member who is paying contributions in accordance with a payment plan or method determined by the Branch Committee of Management pursuant to rule 10.5 shall not be deemed unfinancial so long as the member is up to date with his or her dues in accordance with that plan or method.

- 14.4 *Any member who is deemed unfinancial under rule 14.1 (but subject to rule 14.3) is ineligible:*
14.4.1 *to vote in any election; and/or*
14.4.2 *to nominate for an office in any election.*

7. By amending rule 28.4 as follows:

- 28.4 The conduct of every such election (including the acceptance and rejection of nominations) shall be by a Returning Officer ~~who shall be a financial member of the Division but shall not be the holder of any other office in and not be an employee of the Union or of a Branch, Sub Branch or a Division of the Union. The Returning Officer shall be appointed by the Divisional Council at its Biennial Meeting held in 1995 and every four (4) years thereafter.~~

8. By deleting rule 29 as follows:

~~29 - DIVISIONAL RETURNING OFFICER~~

~~Notwithstanding anything whatsoever to the contrary in any of the Rules:~~

~~29.1 every election (including the acceptance or rejection of nominations) shall be conducted by a Returning Officer who shall be a financial member of the Division. He/she shall not be the holder of any other office in or be an employee of the Union or of a Branch section or division, of the Union;~~

~~29.2 if the Returning Officer conducting an election finds a nomination to be defective he/she shall before rejecting the nomination notify the person concerned of the defect and where it is practicable to do so give the nominee the opportunity of remedying the defect within seven (7) days where practicable after his/her being so notified, provided that in respect of an election pursuant to Rule 28 "Officers of the Council and how Elected", the said time shall be twenty-four (24) hours;~~

~~29.3 every election for an office under these Rules by a direct voting system shall be by secret postal vote.~~

9. By deleting rule 34.2, 34.3 and 34.4 as follows:

34 - GOVERNANCE - POLICIES AND PROCEDURES

34.1 Policies and procedures

- (a) The Division shall develop and implement internal control policies and procedures relating to their expenditure and to ensure they are conducted in accordance with the principles of good governance and to ensure accountability to members.
- (b) Such policies and procedures shall be adopted by the Divisional Council and once adopted shall be binding on all officers and members of the Division and Branches. Such policies and procedures must be identified in the resolutions of the Divisional Council as Rule 34.1 policies and procedures.

- (c) Rule 34.1 policies and procedures must be published on the website of the Division.
- (d) Rule 34.1 policies and procedures once adopted may only be altered, amended, or revoked by a resolution duly passed by ~~not less than 70% of all members of the Divisional Council~~ *a simple majority of those members of the Divisional Council present at a Divisional Council meeting (including a proxy carried for an absent Councillor) or participating in a decision by correspondence conducted under rule 35.*

~~**34.2—Disclosure by officers of remuneration and non-cash benefits**~~

- ~~(a) Each person holding an office, in the Division or Branches shall disclose to the Divisional Council or Branch Committee of Management respectively any remuneration paid to the officer:~~
 - ~~(i) because the officer is a member of, or holds a position with, a board or other organisation, if:~~
 - ~~A. the officer holds such a position with the board or other organisation only because the officer is an officer of the Division or Branch; or~~
 - ~~B. the officer was nominated for the position by the Division, a Branch or a peak council; or~~
 - ~~(ii) by any third party, in connection with the performance of the officers' duties as an officer.~~
- ~~(b) The disclosure required by sub-rule (a) shall be made to the Divisional Council or Branch Committee of Management:~~
 - ~~(i) as soon as practicable after the remuneration is paid to the officer; and~~
 - ~~(ii) in writing.~~
- ~~(c) The Divisional Council shall disclose to the members of the Division:~~
 - ~~(i) the identity of the officers of the Division who, when all officers of the Division are ranked by relevant remuneration for the disclosure period (from highest to lowest), is ranked no lower than fifth; and~~
 - ~~(ii) for those officers:~~
 - ~~A. the actual amount of the officers' relevant remuneration received from the Division in connection with their holding of office for the disclosure period; and~~
 - ~~B. the value of, and the form of the officers' relevant non-cash benefits for the disclosure period.~~
- ~~(d) The Branch Committee of Management shall disclose to the members of the Branch:~~
 - ~~(i) the identity of the officers of the Branch who, when all officers of the Branch are ranked by relevant remuneration for the~~

~~disclosure period (from highest to lowest), is ranked no lower than second; and~~

~~(ii) for those officers:~~

~~A. the actual amount of the officers' relevant remuneration received from the Branch in connection with their holding of office for the disclosure period; and~~

~~B. the value of, and the form of the officers' relevant non cash benefits for the disclosure period.~~

~~34.3 Disclosure by officers of personal interest~~

~~(a) Each person holding an office in the Division or Branch shall disclose to the Divisional Council or Branch Committee of Management respectively any material personal interest in a matter that:~~

~~(i) the officer has or acquires; or~~

~~(ii) a relative of the officer has or acquires;~~

~~that relates to the affairs of the Division or Branch.~~

~~(b) The disclosure required by sub-rule (a) shall be made to the Divisional Council or Branch Committee of Management:~~

~~(i) as soon as practicable after the interest is known or acquired; and~~

~~(ii) in writing.~~

~~(c) The Divisional Council or Branch Committee of Management shall disclose to the members of the Division and Branches the interests disclosed to the Division and Branches pursuant to sub-rules (a).~~

~~(d) For the purposes of sub-rule (c), the disclosures shall be made:~~

~~(i) in relation to each financial year;~~

~~(ii) within six (6) months after the end of the financial year;~~

~~(iii) in writing.~~

~~34.4 Disclosure of payments~~

~~(a) The Division and each Branch shall disclose to their members:~~

~~(i) each payment made by the Division or Branch, during the disclosure 8.~~

10. By amending rule 41.9 as follows:

41.9 The New South Wales Branch shall allow out of Branch Funds sufficient moneys to the Newcastle sub-Branch and the Australian Capital Territory Sub-Branch to defray the salary of a full-time official of that sub-Branch and otherwise to meet the costs of operating the said sub-Branch *unless the sub-Branch is abolished or amalgamated pursuant to sub-rule 48.1.5.*

11. By amending the title of rule 47 and rule 47.1 and rule 47.3.5 as follows:

47 - SUBMISSION OF INDUSTRIAL DISPUTES TO **THE FAIR WORK AUSTRALIA COMMISSION**

- 47.1 Notwithstanding any provision to the contrary in these Rules the notification of any industrial matter to *the* Fair Work **Australia Commission** or any industrial or like tribunal shall be done upon a resolution of Divisional Council or Divisional Executive or by the General Secretary or person authorised by him/her to do so.
- 47.3.5 no Branch officer or member shall submit any matter to *the* Fair Work **Australia Commission**, or any successor body, that can affect the wages and/or working conditions of employment of other members without gaining approval to do so from the Divisional Council and/or Divisional Executive.

12. By amending rule 48.1.4 as follows:

48.1.4 *Subject to the processes set out in sub-rule 48.1.5, 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, 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~~*either:*

48.1.5.1 a majority of the members of such sub-Branch voting in a plebiscite conducted for the purpose, consents to such abolition, amalgamation or alteration; or

48.1.5.2 the abolition, amalgamation or alteration is approved by a unanimous vote of the members of the:

- relevant Branch Committee of Management present at a meeting of the Branch Committee of Management; and*
- the Divisional Council present at a meeting of the Divisional Council.*

48.1.6 If the Newcastle, Geelong or Australian Capital Territory Sub-Branches are abolished or amalgamated, any office that is elected exclusively by and from the members of that sub-Branch will continue to exist for the remainder of the term of the office unless the office holder resigns, is removed in accordance with these rules or agrees in writing to the office being abolished at an earlier date.

13. By amending rule 48.2.1(f) as follows:

- (f) 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; *provided that those sub-Branches have not been abolished or amalgamated pursuant to sub-rule 48.1.5; 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 *provided that the Geelong sub-Branch has not been abolished or amalgamated or altered pursuant to sub-rule 48.1.5.*

14. By amending rule 49 as follows:

49 - BRANCH ELECTIONS

- 49.1 Elections shall be held in 2019 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 19.3;
 - 49.1.6 the Federal Councillor or Councillors (if any) to which the Branch is entitled pursuant to Rule 19.3;
 - 49.1.7 Branch Secretary;
 - 49.1.8 Branch Assistant Secretaries (if any); and
 - 49.1.9 Branch Organisers (if any).
 - 49.1.10 Branch Delegate to National Council (if any required under Sub-rule 19.6)
- 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.
- 49.3 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. *If the Returning Officer in the conduct of an election finds a nomination to be defective he/she shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so,*

give the candidate the opportunity of remedying the defect, where practicable, within seven (7) days after being so notified.

- 49.4 Every member of the Branch shall be eligible to nominate provided that:
- 49.4.1 for the office of Federal Vice-President, Federal Councillor, Branch Secretary or Assistant Branch Secretary, a nominee must have been a *fully* financial member of the ~~Division-Branch~~ for at least 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-Branch~~ for the three years preceding the time of nomination; and
- 49.4.2 for all other offices a nominee must have been a *fully* financial member of the ~~Division-Branch~~ 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.
- 49.4.3 *for the purpose of this rule, “fully financial” means a nominee who is up to date with the annual contributions as an adult or an apprentice member (see rules 10 and 14) rather than concessional rates (available for away-from trade members).*
- 49.5 *A nominee may only contest one ballot at any one time for the offices of Branch Secretary, Assistant Branch Secretary, Organiser or Branch Committee of Management member.*
- 49.6 *Where in any election (or in concurrent elections) a person nominates for more than one office referred to in rule 49.5, the person shall, before the closing time for the receipt of nominations, withdraw all necessary nominations so that only one such nomination remains with the Returning Officer.*
- 49.7 *If a person has not withdrawn sufficient nominations so as to comply with rules 49.5 and 49.6, the Returning Officer shall consider only the nomination that was received first in time.*
- 49.8 *Where nominations have been received simultaneously, or where the Returning Officer is unable to determine which nomination was received first in time, the Returning Officer shall invite the person to withdraw all necessary nominations so that only one nomination remains with the Returning Officer so as to comply with rules 49.5 and 49.6 above, and the person may do so notwithstanding any other deadline for withdrawing nominations in these rules (other than rule 49.9 below).*
- 49.9 *If seven (7) days after the person is invited to withdraw all necessary nominations in accordance with rule 49.8 above, a person has not withdrawn sufficient nominations so as to comply with rules 49.5 and 49.6, the Returning Officer shall reject all nominations for that person.*
- 49.5.10 Nominations shall be called ~~for by advertisement in a daily newspaper circulating in the State or Territory in which the Branch is situated.~~ *by a notice*

posted on the relevant branch or the divisional office website or by some other method agreed to by the branch or the division with the Returning Officer. The notice shall set out the name of the Division or Branch, the title of the office, the method of lodging nominations, the times and dates for the opening and closing of nominations, and invite members eligible for election, to stand for election to the office. 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 *one week* ~~two weeks~~ of the close of nominations.

- 49.~~6.~~11 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 *after the period for withdrawing any nomination under rule 49.10 has expired.* 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.~~7.~~12 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.~~8.~~13 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.~~9.~~14 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.~~10.~~15 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.~~11.~~16 Every member of the Branch who is financial at the date 7 days before the opening of nominations shall be eligible to vote.
- 49.~~12.~~17 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.~~13.~~18 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.

49.14.19 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.

49.15.20 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.

49.16.21 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:

49.21.1 *after the closing time for nominations*—to observe *the forwarding of nomination forms by the Returning Officer*, the consideration of nomination forms; *and* to inspect the nomination forms;

49.21.2 generally 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 *in rules 49.21.1 and 49.21.2*. 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.

49.17.22 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.

49.18-23 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.

49.19-24 The Returning Officer shall make reasonable arrangements for the recording of absentee votes.

49.20-25 In conducting the ballot, the Returning Officer shall take all reasonable steps and may give all reasonable directions to ensure that no irregularity occurs.

15. By deleting rule 58 as follows:

58 - BRANCH RETURNING OFFICER Deleted

~~The Branch Committee of Management shall appoint a Branch Returning Officer not later than the first day of March 1995 and every four years thereafter. The Branch Returning Officer shall retain the position until the appointment of a successor. A person appointed to the position of Branch Returning Officer shall be a financial member of the Division but he/she shall not be the holder of any other office in and shall not be an employee of the Union or of a Division, Branch, or sub-Branch of the Union. If the Branch Returning Officer in the conduct of an election finds a nomination to be defective he/she shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the candidate the opportunity of remedying the defect, where practicable, within seven (7) days after being so notified.~~

16. By amending rule 63.3 as follows:

63.3 Until otherwise determined by a Branch Committee of Management the *positions held by members of a sub branch offices-in on a sub-Branch committee* shall be similar to those set out in Rule 48 "Management of Branches", and shall be held on similar terms and ~~they~~ shall be filled by elections conducted by the Branch Returning Officer in accordance with these Rules with the necessary changes. Only members of a sub-Branch as defined in Rule 48 "Management of Branches" shall be eligible to nominate for *a position office-in-the on a sub-Branch committee*. Provided that *a member an officer* of a sub-Branch *committee* who ceases to reside within the sub-Branch may complete the remainder of ~~their the~~ term *for which s/he was elected of office*.

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 13 August 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 divisional rules of the union (“the divisional rules”) which cover the plumbing division.
3. **Alterations made in accordance with the Rules of the Union**

The alterations made to the divisional rules, 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. The proposed alterations were made in compliance with the procedures prescribed by the CEPU rules to alter the rules of the union 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 rules covering the CEPU Plumbing Division (the divisional rules). In accordance with the requirements of national rule 21.2, the following action was taken by the Plumbing Division prior to the referral of the alteration of the rule to the National Council for its consideration and endorsement.
5. **ACTION BY THE PLUMBING DIVISIONAL COUNCIL**– the Plumbing Divisional Council has approved the alteration of the divisional rules, as detailed in the attached regulation 126(1) notice, as follows:
 - 5.1 In accordance with divisional rule 35, “Decisions by Correspondence”, the General Secretary consulted with the Divisional President in accordance with divisional rule 35.1 to obtain a decision by correspondence of the Divisional Council.
 - 5.2 The matter was submitted in writing to the Divisional Councillors (the Councillors) on 19 July 2021. As required by divisional rule 35.2 the matter submitted to the Councillors was clearly stated and in the form of a ballot paper allowing Councillors to vote for and against the matter. In accordance with divisional rule 35.3, Councillors were informed of the closing time for the ballot which was 21 July 2021.


- 5.3 As a majority of members of the Division Council participated in the ballot, the quorum requirements of divisional rule 22 were satisfied. A majority of Councillors voted in favour of the resolution to approve the rules alterations.
- 5.4 In accordance with divisional rule 35.4 the General Secretary notified the Councillors of the decision within 7 days of the ballot closing.
- 5.5 As required by national rule 21, “New Rules & Alterations to Rules”, the alteration of divisional rules was therefore adopted by the Divisional Council prior to being placed before the National Council for its adoption.
- 5.6 The alterations were referred by the Plumbing Division to the National Secretary for the consideration of the National Council.

6. Action taken under the rules by the National Council to make the alterations - the National Council approved the alterations to the divisional rules 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 2 August 2021 the National Secretary, with the agreement of the Assistant National Secretary, submitted the divisional rules alterations by email to the members of the National Council for an out of session decision which closed on 10 August 2021.
- 6.2 Members of the National Council submitted their vote on the divisional rules alterations by 10 August 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 divisional 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 divisional rules alterations was unanimously supported by the National Councillors thereby satisfying the requirements of rule 7.17.

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