

Notice setting out particulars of Alterations of Rules (other than eligibility rules) for 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”)**

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The CEPU applies to the Fair Work Commission for certification of alterations to the Rules of the Organisation. This document will be referred to as “this Notice”.

Attached to this Notice is the Declaration prescribed by regulation 126(2) of the *Fair Work (Registered Organisations) Regulations 2009* by an authorised officer of the CEPU, the National Secretary, Mr Allen Hicks, which details the action taken by the CEPU to make the alterations. Schedule A to the declaration details the particulars of the alterations.

**DECLARATION OF AUTHORISED OFFICER in accordance with regulation 126 *Fair Work (Registered Organisations) Regulations 2009***

ALTERATION OF OTHER RULES OF ORGANISATIONS in accordance with section 159 of the *Fair Work (Registered Organisations) Act*

Alteration of the rules of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia

On the 18 April 2023, 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 give this notice of particulars of alterations to the rules of the CEPU and to make this declaration as required by regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.
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 rules (“the divisional rules”) covering the CEPU Electrical, Energy and Services Division (“EE&S Division”).
3. The particulars of the divisional rules alterations are attached to this declaration and labelled ‘Schedule A’.
4. **Action taken under the rules of the CEPU to make the alterations**

The alterations made to the divisional rules of the union, as detailed in this notice of alteration to the CEPU rules (other than the eligibility rules), were made in accordance with the rules of the CEPU as follows.


Pursuant to national rule 21, the CEPU 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 EE&S Divisional rules. In accordance with the requirements of national rule 21.2, the following action was taken by the EE&S Division prior to the referral of the alterations of the divisional rules to the CEPU National Council for its consideration and approval.

5. **Action taken under the rules by the Electrical, Energy and Services Division** – the Electrical, Energy and Services Division approved the alterations to the divisional rules, detailed in this notice, in accordance with the following process:
  - 5.1 Divisional rule 3 gives the EE&S Divisional Executive power to adopt alterations to the divisional rules.
  - 5.2 In accordance with divisional rule 8.8.1, “Out of Session Decisions by the Divisional Executive”, the Divisional Secretary determined to refer the matter of the rules alterations to the Divisional Executive as an out of session decision.
  - 5.3 The resolution to approve the rules alterations was submitted by email to the members of the Divisional Executive on 14 March 2023. The vote closed by close of business on 20 March 2023.

- 5.4 Divisional rule 8.4 prescribes that the quorum for any meeting of the Divisional Executive shall consist of a majority of Divisional Executive members. Divisional rule 8.8.4 applies rule 8.4 to out of session decisions. As all the Divisional Executive members participated in the vote, the quorum requirements of rules 8.8.4 and 8.4 were met.
- 5.5 The resolution to alter the divisional rules was approved by the Divisional Executive exercising their votes under divisional rule 8.8.3, with all the Executive members voting unanimously in favour of the resolution to approve the rules alteration.
- 5.6 The EE&S Divisional Secretary then referred the matter of the divisional rules alterations to the CEPU National Council for its consideration and adoption.
6. **Action taken under the rules by the CEPU National Council to make the alterations** - The CEPU National Council approved the alterations to the divisional rules detailed in this notice, as follows:
- 6.1 In accordance with national rule 7.7, "National Council Out of Session Decisions", on 30 March 2023 the National Secretary, with the agreement of the National President, submitted the divisional rules alterations by email to the members of the National Council for an out of session decision to close on 7 April 2023.
- 6.2 Members of the National Council submitted their vote on the rules alterations by 7 April 2023.
- 6.3 National rule 7.11 "Quorum of National Council" prescribes that, provided each Division is represented, a majority of National Council members constitutes 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 which closed on 7 April 2023, 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 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 carried, as at least 60% of votes were cast in favour of the resolution thereby satisfying the requirements of rule 7.17.

**8. 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

**Schedule A**  
**PARTICULARS OF THE ALTERATIONS**

Section B1 of the CEPU Rules governing the Electrical, Energy and Services Division  
("the Divisional Rules")

**Group 1 Alterations**

1. Amend sub-rule 15.19.18 as follows:

15.19.18 For direct elections by the members of the Division or *a* Divisional Branch the following persons shall be eligible to stand for the positions indicated in the manner indicated in table 2 below.

Electrical, Energy and Services Division Elections

**Direct Voting by Secret Postal Ballot**

<b>Positions</b>	<b>Persons Eligible</b>	<b>Electors</b>
<i>Section Representatives on State Council - on existing Sections</i>	<i>Per rules 15.20.5 and 15.20.5A</i>	<i>All financial members of the Section concerned</i>
<i>Section Representatives on State Council - on newly established Sections</i>	<i>Per rules 15.20.5 and 15.20.5A</i>	<i>All financial members whose membership has been transferred to the new Section by the day the roll of voters closes</i>
<del>Sub-branch and/or Section Representatives to on State Council and Branch Conference - on existing Sub Branches</del>	<i>Per rule 15.20.4</i> <del>Financial members of the Sub-branch concerned for one year</del>	All financial members of the <del>Section or</del> Sub-branch concerned
<i>Sub-branch Representatives to Branch Conference - on newly established Sub Branches</i>	<i>Per rule 15.20.4</i>	<i>All financial members whose membership has been transferred to the new Sub-branch by the day the roll of voters closes</i>
Sub Branch President, Vice President and Secretaries - <i>on existing Sub Branches</i>	<i>Per rule 15.20.4</i> <del>Financial members of the Sub-branch concerned for one year</del>	All financial members <del>residing in</del> of the Sub-branch concerned
<i>Sub-Branch President, Vice President and Secretaries - on newly established Sub Branches</i>	<i>Per rule 15.20.4</i>	<i>All financial members whose membership has been transferred to the new Sub-branch by the day the roll of voters closes</i>

2. Insert new sub rules 15.20.4 and 15.20.5 and 15.20.5A as follows:

- 15.20.4 Candidates for sub branch positions must be financial members of the Branch in accordance with rule 5 “Entrance Fees and Contributions” at the date the roll of voters closes.*
- 15.20.5 Save as detailed in rule 15.20.5A, candidates nominating as a State Councillor representing a Section must have been financial members of the relevant Section in accordance with rule 5 "Entrance Fees and Contributions", for one year immediately preceding the date of nominations.*
- 15.20.5A Where a Section has been established within the preceding 12 months, rule 15.20.5 does not apply. Candidates nominating as a State Councillor representing such a Section must have been financial members of the Branch in accordance with rule 5 "Entrance Fees & Contributions at the date the roll of voters closes.*

3. Renumber existing rules 15.20.4, 15.20.5 and 15.20.6 as 15.20.6, 15.20.7 and 15.20.8 and alter existing rule 15.20.4, 15.20.5 and 15.20.6 as follows:

- ~~15.20.6.4~~ 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".
- ~~15.20.7.5~~ Notwithstanding sub rule ~~15.20.4~~ *15.20.6*, 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 open.
- ~~15.20.8.6~~ Notwithstanding sub rules ~~15.20.2, 15.20.3 and 15.20.4~~ *to 15.20.6*, continuous financial membership of the AEEFEU shall be counted as continuous financial membership of the CEPU for the purposes of those sub rules.

## **Group 2 Alterations**

4. Amend rule 15.5A as follows:

### **15.5A Election of Affirmative Action (Women) Divisional Councillor**

The Affirmative Action (Women) Divisional Councillor shall be elected quadrennially commencing in 2019, by ~~a secret postal ballot of~~ the branch Affirmative Action (Women) State Councillors. The election shall be conducted as

soon as practical after the last declaration by the relevant branch returning officer of the election of the Affirmative Action (Women) State Councillors. The election shall be conducted in accordance with the relevant provisions of rule 15.17 “Nominations” and 15.18 “Conduct of Elections – Collegiate Elections”.

5. Amend rule 15.18 as follows:

**15.18 Conduct of Elections - Collegiate Elections**

15.18.1 Where the election provided by these rules is to be conducted otherwise than by a ~~direct election by a~~ secret postal ballot, the Returning Officer shall *either* call for nominations:

*15.18.1.1* at the relevant meeting (ie. either at Divisional Branch Council or Divisional Council), *or*

*15.18.1.2* *by some other means, including by electronic means, as the Returning Officer, in consultation with the Branch or the Division, deems fit in the circumstances,* or

*15.18.1.3* as *otherwise* prescribed by these rules.

Where a collegiate election is required at the National Council under section A of these rules the Returning Officer shall conduct that ballot in a manner consistent with this rule.

15.18.2 For the purposes of electing the Affirmative Action (Women) Councillor on Divisional Council:

15.18.2.1 Each elector shall be granted one, equal vote; and

15.18.2.2 The vote ~~may shall~~ be *conducted as a secret via* postal ballot, *as a secret attendance ballot or by some other means as the Returning Officer, in consultation with the Divisional Secretary, deems fit in the circumstances.*

**Group 3 Alterations**

6. Amend rule 15.3 as follows:

**15.3 Election of Divisional Secretary and Assistant Divisional Secretary**

15.3.1 The Divisional Secretary and Assistant Divisional Secretary shall be elected quadrennially commencing in 1995 by secret ballot of the whole of the financial members entitled to vote.

15.3.2 ~~Nominations shall be called in the "ETU News" and shall close with the Returning Officer at 5.00 pm on the second Monday in July in the year of the election.~~ Nominations shall be in accordance with rule 15.17 "Nominations" and candidates shall comply with rule 15.20 "Candidates".

7. Amend rule 15.17.3 as follows:

**15.17 Nominations**

15.17.3 Where an election is being conducted to fill the position of Affirmative Action (Women) *Divisional* Councillor, the Returning Officer shall control the opening and closing of nominations provided that the election is conducted as soon as practical after the last declaration of election of the Affirmative Action (Women) State Councillors.