

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”)**

Address: Suite 408, Level 4, 30-40 Harcourt Parade, Rosebery, NSW 2018

Contact person: Annette Moran

Phone: 02 9663 3699

Email: [annette@etuaustralia.org.au](mailto:annette@etuaustralia.org.au); [admin@etuaustralia.org.au](mailto:admin@etuaustralia.org.au)

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(b)(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.

# 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 21 June 2022, 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 (“the national rules”) and the rules covering the communications division of the union (“the divisional rules”).
3. The particulars of the rule 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 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 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 Communications Division (“the divisional rules”). In accordance with the requirements of national rule 21.2, the following action was taken by the Communications Division prior to the referral of the alterations of the divisional rules to the National Council for its consideration and endorsement.

5. **Action taken under the rules by the Communications Division to make the alterations** – the Communications Division approved the alterations to the divisional rules in accordance with the following process:
  - 5.1 On 25 March 2022 the Divisional Secretary, after consultation with the Divisional President, advised members of the Divisional Conference of an urgent meeting of the Divisional Conference to consider the alterations of the divisional rules. The urgent meeting was held on 29 March 2022.
  - 5.2 In accordance with divisional rule 5(l) the Divisional Conference was properly constituted as at least fifty percent of Officers and fifty percent of delegates (including delegates from at least 50% of Branches) participated in the meeting.

- 5.3 In accordance with divisional rule 5(h), the proposal to alter the divisional rules was decided in the affirmative as sixty percent (60%) of votes were cast in favour. With respect to the alterations to rules 44, 46, 46A, 46B, 75, 76 and 76A the proposal to alter those rules was decided in the affirmative as seventy five per cent (75%) of votes were cast in favour.
- 5.4 The decision of the Divisional Conference to approve the alteration of the divisional rules also directed the Divisional Secretary to seek the ratification by the branches in accordance with rule 36(d), with a response required within 14 days.
- 5.5 Rule 36(d)(i) requires that within two days of the decision being taken by the Divisional Conference and having been deemed ratifiable, the Divisional Secretary must advise the Branches of the decision of the Divisional Conference and that date by which it must be ratified and, if necessary, by whom it must be ratified. Accordingly, on 29 March (after the meeting of the Divisional Conference but on the same day) the Divisional Secretary wrote to the Branch Secretaries advising them of the outcome of the urgent meeting. The Secretary advised the Branch Secretaries of the need to ratify the decision approving the alteration of the divisional rules in accordance with rule 36(d) and requested that the Divisional Conference decision be ratified by each Branch Committee of Management by 11 April 2022.
- 5.6 In accordance with divisional rule 36(d)(iii) with the exception of one Branch, all Branches held ratification meetings within the time period set by the Divisional Conference. One Branch held its meeting outside the time period set but still ratified the decision. As required by divisional rule 36(d)(iii) the result of the ratification process was advised to the Divisional Secretary by each Branch Secretary immediately following the ratification decision of the Branch committee of management.
- 5.7 In accordance with divisional rule 36(d)(iv) the ratification process was recorded in the affirmative, as all Branches voted in favour of the ratification. The Divisional Secretary advised Branches of the outcome of the ratification process.
- 5.7 On 2 May 2022 the Divisional Secretary referred the matter to the National Secretary for the consideration and approval by the National Council.
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 rules alterations detailed in this notice in accordance with the following procedure:
- 6.1 In between Annual Meetings of the National Council, national rule 7.6 allows for the convening of a special meeting of the National Council where deemed necessary by at least two National Executive Officers. As deemed necessary by at least two Executive Officers, a meeting of the National Council was held on 8 June 2022 as a video conference.
- 6.2 In accordance with national rule 7.9 "Agenda for National Council Meetings", the agenda paper was prepared by the National Secretary and on 3 June 2022 it was circulated to the National Councillors prior to the meeting.
- 6.3 On 3 June 2022, in accordance with national rule 9.1 "Summoning of Meetings of the National Council", all members of the National Council were notified in writing by the National Secretary of the time, date, place and agenda of the meeting. As much notice of the meeting as was practical in the circumstances was given to Councillors.

6.4 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 special meeting held on 8 June 2022, every member of the Council either participated in the meeting or appointed a proxy for their participation in the meeting. Thus, the quorum requirement of rule 7.11 was satisfied as each Division was represented and a majority of National Councillors participated in the meeting.

6.5 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.

**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.

A handwritten signature in black ink, appearing to read 'AL AL', written in a cursive style.

Allen Hicks  
NATIONAL SECRETARY

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

**SECTION A OF THE CEPU RULES GOVERNING THE NATIONAL COUNCIL**  
**(“the National Rules”)**

1. Amend rule 4 and renumber clauses as follows:

~~4.10~~—“~~Divisional Group~~”—~~The Postal and Telecommunications branches of the Communications Division and the Telecommunications and Services branches of the Communications Division shall each comprise a Divisional Group within that Division.~~

~~4.11~~—“~~Divisional Industry Groups~~”—~~Industry Groups shall mean the Postal Services Industry Group and the Telecommunications and Information Technology Industry Group. The Postal Services Industry Group shall be constituted by members in the Postal Services Industry Sections and the Postal Industry Sections. The Telecommunications and Information Technology Industry Group shall be constituted by members in the Telecommunications and Information Technology Industry Sections, the Lines and General Sections, the Technical Industry Sections and the Operator Industry Sections.~~

~~4.12~~—“~~Divisional Industry Section~~”—~~Industry Section shall mean either the Postal Services Industry Section, the Telecommunications and Information Technology Industry Section, the Postal Industry Section, the Lines and General Industry Section, the Technical Industry Section and the Operator Industry Section as constituted by Rules 46, 46A and 46B of the Communications Divisional Rules.~~

~~4.10~~ ~~4.13~~ “Divisional Officer” means the holder of an office in a Division in accordance with the relevant Divisional rules.

~~4.14~~—“~~Divisional Section~~”—~~The Lines and General, Postal, Telecommunications and Operator divisions of the Communications Division shall each constitute a Divisional Section within that Division.~~

~~4.11~~ ~~4.15~~ Divisional Secretary - Divisional Secretary shall mean the Secretary of each division.

~~4.12~~ ~~4.16~~ “Financial duties” include duties that relate to the financial management of the Division or a Divisional Branch of the union.

~~4.13~~ ~~4.17~~ “General Manager” means the General Manager of the Fair Work Commission.

~~4.14~~ ~~4.18~~ “National Councillor” - A National Councillor is a person holding a position elected under rules 12 "Election of National Executive Officers" and 13 "Election of National Councillors" of Section A of these Rules.

- ~~4.15~~ ~~4.19~~ “National Executive Officer” - A National Executive officer shall be a person holding an elected position under rule 12 "Election of National Executive Officers" of these rules.
- ~~4.16~~ ~~4.20~~ “National Officer” - The National Officers shall be the National Councillors.
- ~~4.17~~ ~~4.21~~ “Non-cash benefit” means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.
- ~~4.18~~ ~~4.22~~ “Office” has the same meaning as defined by section 9 of the Fair Work (Registered Organisations) Act 2009.
- ~~4.19~~ ~~4.23~~ “Officer” has the same meaning as defined by section 6 of the Fair Work (Registered Organisations) Act 2009.
- ~~4.20~~ ~~4.24~~ “Peak council” has the same meaning as defined by section 12 of the Fair Work Act 2009.
- ~~4.21~~ ~~4.25~~ “Related party” has the same meaning as defined by section 9B of the Fair Work (Registered Organisations) Act 2009.
- ~~4.22~~ ~~4.26~~ “Relative” in relation to a person, means:
- ~~4.22~~~~4.26.1~~ parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or
  - ~~4.22~~~~4.26.2~~ the spouse of the first mentioned person.
- ~~4.23~~ ~~4.27~~ “Relevant branch committee of management” shall mean Divisional State Branch Council or Executive meeting in the case of the Electrical, Energy and Services Division, a Divisional Branch meeting in the case of the Plumbing Division, and a Divisional Branch Committee of Management in the case of the Communications Division.
- ~~4.24~~ ~~4.28~~ “Relevant non-cash benefits” in relation to an officer of the Union for a disclosure period, means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer’s duties as an officer, by the Union, Division or relevant Branch or by a related party of the Union, Division or relevant Branch.
- ~~4.25~~ ~~4.29~~ “Relevant remuneration” in relation to an officer of the Union for a disclosure period is the sum of the following:
- ~~4.25~~ ~~4.29.1~~ any remuneration disclosed to the Union, Division or relevant Branch by the officer under rule 32.1 during the disclosure period;
  - ~~4.25~~ ~~4.29~~ any remuneration paid during the disclosure period, to the officer by the Union, Division or relevant Branch.

4.26 ~~4.30~~ “Remuneration”

4.26 ~~4.30.1~~ includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements;

but

4.26 ~~4.30.2~~ does not include a non-cash benefit; and

4.26 ~~4.30.3~~ does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.

4.27 ~~4.31~~ “Reporting Obligations” shall mean the obligations in connection with the annual report and various financial returns required under Chapter 8 of the *Fair Work (Registered Organisations) Act 2009*.

4.28 ~~4.32~~ “Rules of the Union” -

4.28 ~~4.31.1~~ The Rules of the Union means all of the Rules of the amalgamated union read and construed in totality and includes the Divisional Rules and Divisional Branch rules.

4.28 ~~4.31.2~~ Divisional Rules are the rules of a division established in accordance with the Rules of the Union.

4.28 ~~4.31.3~~ Divisional Branch Rules, where they exist, are the rules of the Divisional Branch, being a branch of a division, established in accordance with the rules of the Union.

4.29 ~~4.33~~ “Union” - Union shall mean the amalgamated Union and shall include all its divisions and divisional branches and/or any other sub section or part of the divisions.

4.30 *“Merger Date” means the date upon which “Rule 91 – Transitional Rule” of the Rules of the Communications Division and the consequential alterations to rules 7.10.1, 7.10.5.2, 8.1.1, 8.3.5, 8.6.1, 8.6.2, 12.2.1, and 15.2.2 are certified by the Fair Work Commission.*

2. Insert a new sub rule 6.2.1.6 as follows:

6.2.2 *Subject to sub rule 6.2.1.6, where a matter directly affects members of both the Electrical, Energy and Services Division and the Communications Division who are eligible to be members pursuant to sub rules 2.5 to 2.21, each Divisional Secretary and each Divisional Branch Secretary of a Branch with members affected, shall give written notice and particulars of the matter to the Divisional Secretary and Branch Secretary of a Branch with members affected in the other Division as soon as practicable and in the event of a dispute*

*between the Divisions in respect of the matter, the Divisional Secretaries of each Division shall meet to try to resolve the matters in dispute.*

*If the Divisional Secretaries fail to resolve the matter/s they shall prepare a report for the consideration of a nominee or nominees of the Divisional Executive of each Division who shall meet and try to resolve the matter/s.*

*If a resolution still cannot be reached, the matters shall be dealt with by the National Council.*

3. Amend sub rule 7.10 as follows:

7.10 Constitution of National Council

7.10.1 The National Council shall consist of the Divisional Secretary of each Division plus the Divisional President of the Communications Division. *Provided that on and from the merger date, the National Council shall consist of the Divisional Secretary of each Division.* Provided, further that where the Divisional Secretary of the Plumbing Division is also a Divisional Branch Secretary, an alternative delegate shall be elected from that Branch in lieu of the Branch Secretary. This election shall be conducted in accordance with rule 49 "Branch Elections" in Section C "Plumbing Division" rules; and

7.10.2 one (1) delegate from each branch in each of the Electrical, Energy and Services Division and the Plumbing Division making a total of ten (10) such delegates;

7.10.3 two (2) additional delegates from the two largest Branches of the Electrical, Energy and Services Division;

7.10.4 the Assistant Branch Secretaries from the New South Wales, Queensland and Victorian Branches of the Plumbing Division; and

7.10.5 the remaining members of the Communications Divisional Executive other than:

7.10.5.1 *subject to sub rule 7.10.6.2*, the Communications Divisional Vice-Presidents; and

7.10.5.2 *on and from the merger date, the Divisional Assistant Secretaries.*

*Provided that on and from the 2023 quadrennial elections, the National Council shall consist of the Branch Secretaries of the Communications Division; and the Assistant Branch Secretaries from the Communications Division Central Branch excluding the Assistant Branch Secretary where he/she is from the same State as the Branch Secretary of the Central Branch; and the Branch President of the Victorian Postal and Telecommunications Branch; and*

4. Amend sub rule 7.14.4 as follows:



7.14.4 The allocation of votes at National Council meetings shall be as follows:

7.14.4.1 At all Council meetings each Divisional Branch shall have the right to exercise one vote for every 100 members as determined in rule 7.14.2.

7.14.4.2 These votes shall be equally divided among the councillors attending from the Divisional Branch. Provided that a proxy ~~or alternate~~ national councillor, acting in accordance with rule 7.15 "National Council Proxies ~~and Alternate National Councillors~~", shall be entitled to exercise the votes of the absent councillor as though the person was attending the meeting.

5. Amend the title of sub rule 7.15 by deleting the following words:

7.15 National Council Proxies ~~and Alternate National Councillors~~

6. Amend sub rules 7.15.2 and 7.15.3 as follows:

7.15.2 If a National Councillor from the Communications Division:

7.15.2.1 cannot attend a National Council meeting, a proxy National Councillor appointed by the Branch Committee of Management from the same ~~Industry Group and~~ Branch shall attend the meeting in his or her place.

7.15.2.2 cannot attend a National Council meeting and there is insufficient notice for the Branch Committee of Management to appoint a proxy, he or she may appoint another councillor present at the meeting who represents the same ~~Industry Group~~ *Division* as his or her proxy for that session(s).

~~7.15.2.3 or his or her Alternate referred to in 7.15.3 (if attending the meeting in place of the Councillor), cannot attend a session(s) of the meeting, he or she may appoint another councillor present at the meeting who represents the same divisional group as his or her proxy for that session(s).~~

7.15.3 Proxies ~~and alternate delegates~~ shall have all the same rights, duties and powers of the absent National Councillor they are representing and shall exercise the votes of the absent Councillor in addition to any existing voting entitlement of their own.

7. Amend sub rule 8.1 as follows:

8.1 National Executive Officers

8.1.1 National Executive Officers of the Union shall be the National President, National Vice President, National Secretary and Assistant National Secretary. *Provided that on and from the merger date, the National Executive Officers of*

*the Union shall be the National President, National Secretary and Assistant National Secretary.*

8. Insert a new sub rule 8.3.5 as follows:

*8.3.5 The office of National Vice President shall be abolished on and from the merger date.*

9. Amend sub rule 8.6 as follows:

8.6 Temporary Absences of National Executive Officers

8.6.1 In the temporary absence of both the President and Vice President, the National Council may appoint a member of the Council from the same Division or Industry Group to act as the President. *Provided that on and from the merger date, in the temporary absence of the President, the National Council may appoint a member of the Council from the same Division to act as President.*

8.6.2 In the temporary absence of both the National Secretary and Assistant National Secretary, the National Council may appoint a member of the Council from the same Division or Industry Group to act as the National Secretary. *Provided that on and from the merger date, in the temporary absence of both the National Secretary and Assistant National Secretary, the National Council may appoint a member of the Council from same Division to act as the National Secretary.*

10. Amend sub rule 11.1 as follows:

**11 - TERMS OF OFFICE**

11.1 ~~Length of~~ Term *of office* for National *Executive Officers* ~~Council Office~~

*Terms of office for the National Executive Officers shall be four years. ~~All terms of National Council office shall be four years.~~ Provided that if for some reason beyond the control of the National Council successors have not been declared elected, the incumbents shall continue to hold office until successors are declared elected.*

11. Amend sub rule 12.2 as follows:

12.2 Candidates for the National Executive Officers

12.2.1 The four National Executive Officer positions shall be filled by the Divisional Secretaries of each Division and the Divisional President of the Communications Division. *Provided that on and from the merger date the three National Executive Officer positions shall be filled by the Divisional Secretaries from each Division.*

~~12.2.2 Neither the Electrical, Energy and Services Division and the Plumbing Division (taken as one) nor the Communications Division shall occupy both the offices of National President and National Secretary.~~

~~12.2.3 Neither the Electrical, Energy and Services Division and the Plumbing Division (taken as one) nor the Communications Division shall occupy both the offices of National Vice President and National Assistant Secretary.~~

12. Amend sub rule 12.5 as follows:

12.5 Order of Election of the National Executive Officers

The order of election of the National Executive Officers shall be the National Secretary first, followed by the National President, then the Assistant National Secretary and finally National Vice President. *Provided that on and from the 2023 quadrennial elections, the order of election of the National Executive Officers shall be the National Secretary first, followed by the National President and then the Assistant National Secretary.* The Returning Officer shall declare each position before opening the nominations for the next position.

13. Amend sub rule 12.9 as follows:

12.9 Absent Voting

A National Councillor can appoint a proxy who is appointed ~~or elected~~ in accordance with rule 7.15 "National Council Proxies ~~and Alternate National Councillors~~" to vote in his/her absence.

14. Amend rule 13 as follows:

### **13 - ELECTION OF THE NATIONAL COUNCILLORS**

(other than the National Executive Officers)

13.1 ~~Frequency of~~ Election of National Councillors

~~13.1.1 Elections of National Councillors and Alternate National Councillors shall be held in conjunction with the divisional elections every four years commencing in 1995.~~

~~13.1.2~~ Elections of National Councillors shall be conducted in accordance with the relevant divisional rules.

13.2 Nominations for National Council

13.2.1 ~~Except as provided in 13.2.2, p~~Persons nominated to or nominating for National Council can only be nominated to represent the Divisional Branch to which they are attached provided that persons nominated or nominating to be Affirmative Action delegates on National Council shall nominate to represent the Division ~~or Industry Group~~ to which they are attached.

- 13.2.2 *Until the quadrennial elections in 2023 p*Persons nominated or nominating to represent the Industry Sections of the Communications Division on National Council can only be nominated to represent the section to which they are attached.

~~13.3 — Electorate of the National Council~~

~~13.3.1 National Councillors and Alternate National Councillors representing a Divisional Branch or Industry Section shall be elected in accordance with the rules of that Division.~~

~~13.3.2 The Affirmative Action National Councillors shall be elected in accordance with the rules of the relevant division.~~

15. Amend sub rule 15.2.2 as follows:

- 15.2.2 If the office of National President becomes vacant the Vice President shall assume the Office until the next election to take place in accordance with rule 15.2.1. *Provided that on and from the merger date, if the office of National President becomes vacant, the Council may appoint a member of the Council from the same Division to perform the duties of National President until the next election to take place in accordance with rule 15.2.1.*

16. Amend sub rule 23.1 as follows:

23.1 Register of Members

Each Division/~~Branch/Industry Group~~ shall, in accordance with the rules of the Division, keep a membership register and shall supply a copy of the register or part thereof to the National Secretary or National President when requested pursuant to the *Fair Work (Registered Organisations) Act 2009* ~~Workplace Relations Act 1996~~.

17. Amend sub rule 28.2 as follows:

28.2 Dissolution of a Division

No Division or Industry ~~Section Group~~ can be dissolved or amalgamated without an affirmative ballot of the members of that Division.

**SECTION D OF THE CEPU RULES GOVERNING THE COMMUNICATIONS  
DIVISION  
("the Divisional Rules")**

18. Insert a new rule 91 as follows:

**91 - TRANSITIONAL RULE – CWU CENTRAL BRANCH, TELECOMMUNICATIONS AND  
SERVICES BRANCH, WA BRANCH & VIC P&T BRANCH**

**Part A – General**

- (a) This Rule shall prevail over any conflicting provisions in any other Divisional Rule and the provisions of the Rules of the Union including any of those Rules relating to the terms of office of any office holder.
- (b)
  - (i) This Divisional Rule will enable the merger of the New South Wales Postal and Telecommunications Branch, the Queensland Communications Division Branch and the South Australian and Northern Territory Communications Division Branch to form the CWU Central Branch.
  - (ii) This Divisional Rule will also enable the merger of New South Wales Telecommunications and Services Branch and the Victorian Telecommunications and Services Branch to form the Telecommunications and Services Branch.
- (c) This Divisional Rule shall take effect on the merger date which shall be the date upon which the Rule is certified by the Fair Work Commission.
- (d) On the merger date, Divisional Rule 44 shall be deleted and new Divisional Rule 44 shall take effect as follows:

**44 - FORMATION OF BRANCHES**

- (a) *The Division shall consist of the following Branches:*
  - (i) *the CWU Central Branch which shall be constituted by all members of the Division resident in New South Wales, the Australia Capital Territory, Queensland, South Australia and the Northern Territory other than members resident in New South Wales (including residents in the ACT) of the Telecommunications and Services Branch;*
  - (ii) *the Telecommunications and Services Branch;*
  - (iii) *the Victorian Postal and Telecommunications Branch;*
  - (iv) *the Western Australian Communications Division Branch;*

*and such further or other Branches as may from time to time be determined by Divisional Conference.*
- (b) *Subject to these Rules, a Branch shall be autonomous in relation to matters affecting only members of the Branch and shall, in accordance with the Rules elect Branch Officers and manage the affairs of the Branch. All Branches shall comply with resolutions of Divisional Conference and Executive.*

**Part B – CWU Central Branch**

- (e) For the purposes of this Part of this Divisional Rule:
  - (i) "transitional period" shall mean the period commencing on the merger date and ending on 31 July 2023.
  - (ii) "merged Branch" shall mean the CWU Central Branch.

- (iii) “NSW P&T Branch” shall mean the NSW Postal and Telecommunications Branch.
  - (iv) “QLD Branch” shall mean the Queensland Communications Division Branch.
  - (v) “SA/NT Branch” shall mean the South Australian and Northern Territory Communications Division Branch.
- (f) On the merger date, the NSW P&T Branch, the QLD Branch and the SA/NT Branch shall merge to form the merged Branch.
- (g) On the merger date, Divisional Rule 46 shall be amended as follows:
- (i) Delete the heading to Divisional Rule 46 and replacing it with the following heading:  
*“46 – INDUSTRY SECTIONS – WESTERN AUSTRALIAN COMMUNICATIONS DIVISION BRANCH”*
  - (ii) Delete the first sentence of sub-rule (a) and replacing it with the following sentence:  
*“The Western Australian Communications Division Branch shall have two (2) Industry Sections and each member shall be allocated to an Industry Section”.*
- (h) On the merger date, Divisional Rule 46A shall be amended as follows:
- (i) Delete the heading to Divisional Rule 46A and replacing it with the following heading:  
*“46A – Industry Sections – Victorian Postal and Telecommunications Branch”*
  - (ii) Delete the first sentence of sub-rule (a) and replacing it with the following sentence:  
*“The Victorian Postal and Telecommunications Branch shall have two (2) Industry Sections and each member shall be allocated to an Industry Section”.*
- (i) On the merger date, a new Divisional Rule 46C shall be inserted as follows:
- 46C – INDUSTRY SECTIONS – CWU CENTRAL BRANCH**
- (a) *The CWU Central Branch shall have three Industry Sections and each member shall be allocated to an Industry Section. The Industry Sections shall be constituted in the following manner.*
  - (b) *Members resident within New South Wales and the Australian Capital Territory shall be allocated on the following basis:*
    - (i) *Postal Industry Section: All members employed by the Australian Postal Corporation, or by employers which the Divisional Executive determines operates substantially in or in connection with postal services;*
    - (ii) *Lines and General Industry Section: All members eligible for membership of the Union pursuant to National Rules 2.5 or 2.9 and all members who the Divisional Executive determines undertake functions substantially in or in connection with telecommunications services of a type traditionally provided by members but not members performing the functions which are specified in the Telecommunications Technical Officers structure, Electrical Officers structure, Production Officers structure and Tradesperson structure as set out in sub-clauses 8B1-4 inclusive of the Australian Telecommunications Commission Telecommunications Technical and Trades Staff (Salaries and Specific Conditions of Employment) Award 1975 as at 1 November, 1991 and the Operator Assisted Services structure in Clause 24 of the Australian Telecommunications Commission Telephone and Phonogram Staff (Salaries*

*and Specific Conditions of Employment) Award 1978 as at 1 November, 1991, except those functions in common with functions specified in clause 51 of the Telecom/APTU Award 1989 as at 1 November 1991.*

- (c) *Members resident within Queensland, South Australia and the Northern Territory shall be allocated on the following basis:*
- (i) *Postal Industry Section:*
- (A) *All members employed or otherwise engaged by the Australian Postal Corporation (or any successor thereto or a body corporate related to the Australian Postal Corporation (or any successor thereto) being a related body corporate within the meaning of the Corporations Act 2001); and*
- (B) *All members employed or otherwise engaged by employers which the Divisional Executive determines operates substantially in or in connection with the installation, maintenance or provision of postal services; and*
- (C) *Without limiting the foregoing, all members eligible for membership pursuant to National Rules 2.5.1, 2.5.1(a), 2.6, 2.7, 2.8, 2.9, 2.11.2 or 2.21.1 (if employed or otherwise engaged by the Australian Postal Corporation)*
- (ii) *Telecommunications and Information Technology Industry Section:*
- (A) *All members employed or otherwise engaged by Telstra Corporation Limited (or any successor thereto or a body corporate related to Telstra Corporation Limited (or any successor thereto) being a related body corporate within the meaning of the Corporations Act 2001); and*
- (B) *All members employed or otherwise engaged by Network Design and Construction Limited (or any successor thereto or a body corporate related to Network Design and Construction Limited (or any successor thereto) being a related body corporate within the meaning of the Corporations Act 2001); and*
- (C) *All members employed or otherwise engaged by Optus Administration Pty Limited (or any successor thereto or a body corporate related to Optus Administration Pty Limited (or any successor thereto) being a related body corporate within the meaning of the Corporations Act 2001); and*
- (D) *All members employed or otherwise engaged by employers which the Divisional Executive determines operates substantially in or in connection with the installation, maintenance or provision of telecommunications; and*
- (E) *Without limiting the foregoing, all members eligible for membership pursuant to National Rules 2.5.2, 2.10, 2.11.1, 2.17 (if not employed or otherwise engaged by the Australian Postal Corporation), 2.18, 2.19, 2.20 and 2.21.1 (if not employed or otherwise engaged by the Australian Postal Corporation)*
- (d) *Industrial officers and employees of the Division shall:*
- (i) *in the case of persons who are members of the Division before becoming an Industrial Officer or employee remain in the Industry Section they were allocated to before becoming an Industrial Officer or employee;*

- (ii) *in the case of Industrial Officers or employees who were not members of the Union before becoming an Industrial Officer or employee employed by the Divisional Office of the Division – subject to the approval of Divisional Conference, be allocated to the Industrial Section of his or her choice and shall not be subsequently allocated to any other Industry Section;*
  - (iii) *in the case of Industrial Officers or employees who were not members of the Union before becoming an Industrial Officer or employee employed by a Branch of the Division – subject to the approval of Branch Committee of Management be allocated to the Industry Section of his or her choice, and shall not subsequently be allocated to another Industry Section.*
- (j) On the merger date, Divisional Rule 75 shall be deleted and the new Divisional Rule 75 shall take effect as follows:

**75 - BRANCH MANAGEMENT –WESTERN AUSTRALIA**

- (a) *The headquarters of the Branch shall be located in Perth. The Branch shall, subject to these Rules and resolutions of Divisional Conference and/or Divisional Executive, manage the local affairs of the Branch within Western Australia.*
- (b) *The Branch shall have for its management a Branch Committee of Management consisting of a Branch President, two (2) Branch Vice Presidents, Branch Secretary, Branch Assistant Secretary, full-time Branch Organisers as specified in this sub-rule and not fewer than four (4) nor more than eighteen (18) Sectional Representatives who shall be elected for a period of four (4) years. Provided that any person elected to an office which has been declared a full-time office shall be elected for a term of office of four (4) years.*

*For the purposes of Branch administration, the following Branch offices shall be declared full-time positions:*

*Branch Secretary, Branch Assistant Secretary.*

- (c) *The Branch President, Branch Secretary and Branch Assistant Secretary shall be elected by ballot of the financial members of the Branch.*
- (d) *Notwithstanding sub-rule (b), in the Branch Committees of Management, there shall be an additional Branch Vice President Affirmative Action who shall be nominated by and from the female members of the Branch and elected by the financial members of the Branch.*
- (e) *Branch Vice Presidents and Sectional Representatives shall be elected by and from the members comprising the respective Industry Sections as provided in Rule 46.*
- (f) *At least three (3) months prior to the opening of nominations for the Branch elections held under Rule 67, the Branch Committee of Management shall determine the number of Branch Committee of Management Members to be elected by and from each Industry Section in accordance with this sub-rule.*
- (g) *The number of positions of Sectional Representatives elected by and from members of the Branch allocated to each Industry Section shall be no less than two (2) and no more than nine (9).*
- (h) *At Branch Committee of Management meetings, a quorum shall not be present unless a majority of the Committee of Management members are present. If the required number of members be not present thirty (30) minutes after the advertised time of commencement, the meeting shall lapse. Each Branch Committee of Management member shall have a deliberative vote.*



- (i) *During the intervening period between meetings of the Branch Committee of Management any matters of an emergent nature shall be decided by a telephonic, telegraphic, facsimile machine or postal ballot of Branch Committee of Management Members. The result of such ballot shall be notified to Branch Committee of Management Members within fourteen (14) days of the date set for the closing of the ballot.*
- (j) *Provided that further there shall be a Branch Executive comprising the Branch President, Branch Secretary, Branch Assistant Secretary and Branch Vice Presidents. A majority of the Branch Executive shall constitute a quorum. The minutes of any Branch Executive meetings shall be notified to the Branch Committee of Management within fourteen (14) days of the Branch Executive meeting. The Branch Executive shall have the power to deal with matters of an urgent industrial or financial nature when the Branch Committee of Management is not sitting. Meetings of the Branch Executive shall be called by the Branch Secretary.*
- (k) On the merger date, a new Divisional Rule 75A shall be inserted as follows:

**75A - BRANCH MANAGEMENT – CWU CENTRAL BRANCH**

- (a) *The headquarters of the Branch shall be located in Sydney and shall maintain premises in both Brisbane and Adelaide. The Branch shall, subject to these Rules and resolutions of Divisional Conference and/or Divisional Executive, manage the local affairs of the Branch within its territorial area.*
- (b) *The Branch shall have for its management a Branch Committee of Management consisting of the following:*
- a. *a Branch President;*
  - b. *one (1) Branch Vice President;*
  - c. *one (1) Branch Vice President Affirmative Action nominated by and from female members of the Branch and elected by the female financial members of the Branch;*
  - d. *Branch Secretary;*
  - e. *a Branch Assistant Secretary (NSW/ACT);*
  - f. *a Branch Assistant Secretary (QLD);*
  - g. *a Branch Assistant Secretary (SA/NT);*
  - h. *full-time Branch Organisers as specified in this sub-rule and not fewer than four (4) nor more than twenty (20) Sectional Representatives who shall be elected for a period of four (4) years. Any person elected to an office which has been declared a full-time office shall be elected for a term of office of four (4) years.*
  - i. *For the purposes of Branch administration, the following Branch offices shall be declared full-time positions: Branch Secretary, Branch Assistant Secretaries (NSW/ACT, QLD and SA/NT) and:*
    - i. *Four (4) Branch organisers elected by and from the financial membership of the Branch resident within NSW/ACT; and*
    - ii. *One (1) Branch organiser elected by and from the financial membership of the Branch resident within QLD.*
- (c) *The Branch President, Branch Vice Presidents and Branch Secretary shall be elected by ballot of the financial members of the Branch.*
- (d) *Sectional Representatives shall be elected from the members comprising the respective Industry Sections as provided in Rule 46C.*

- (e) *At least three (3) months prior to the opening of nominations for the Branch elections held under Rule 67, the Branch Committee of Management shall determine the number of Branch Committee of Management Members to be elected by and from each Industry Section accordance with this Rule.*
- (f) *For the purpose of this Rule a geographically specific office is an office elected by and from members resident within a particular State or Territory or part of State or Territory.*
- (g) *In making a determination pursuant to sub-rule (e), BCOM shall determine whether those positions will be geographically specific.*
- (h) *Geographically specific offices shall be elected by the financial membership resident in the State/Territory to which the position relates. The following offices are declared to be geographically specific:*
  - i. *Branch Assistant Secretary (NSW/ACT)*
  - ii. *Branch Assistant Secretary (QLD)*
  - iii. *Branch Assistant Secretary (SA/NT)*
- (i) *The total number of positions of Sectional Representatives elected by and from members of the Branch allocated to each Industry Section shall be no less than two (2) and no more than ten (10).*
- (j) *At Branch Committee of Management meetings a quorum shall not be present unless a majority of the Committee of Management members are present. If the required number of members be not present thirty (30) minutes after the advertised time of commencement, the meeting shall lapse. Each Branch Committee of Management member shall have a deliberate vote.*
- (k) *During the intervening period between meetings of the Branch Committee of Management any matters of an emergent nature shall be decided by a telephonic, telegraphic, facsimile machine or postal ballot of Branch Committee of Management Members. The result of such ballot shall be notified to Branch Committee of Management Members within fourteen (14) days of the date set for the closing of the ballot.*
- (l) *Provided that further there shall be a Branch Executive comprising of the Branch President, Branch Secretary, the Branch Assistant Secretaries and the Branch Vice Presidents. A majority of the Branch Executive shall constitute a quorum. The minutes of any Branch Executive meetings shall be notified to the Branch Committee of Management within fourteen (14) days of the Branch Executive meeting. The Branch Executive shall have the power to deal with matters of an urgent industrial or financial nature with the Branch Committee of Management is not sitting. Meetings of the Branch Executive shall be called by the Branch Secretary.*
- (l) On the merger date, Divisional Rule 76 shall be deleted and new Divisional Rule 76 shall take effect as follows:

**76 - BRANCH MANAGEMENT – VICTORIAN POSTAL AND TELECOMMUNICATIONS  
BRANCH**

- (a) *The headquarters of the Branch shall be located in Melbourne. The Branch shall, subject to these Rules and resolutions of Divisional Conference and/or Divisional Executive, manage the local affairs of the Branch within its territorial area.*
- (b) *The Branch shall have for its management a Branch Committee of Management consisting of a Branch President, two (2) Branch Vice Presidents, Branch Secretary, full-time Branch Organisers as specified in this sub-rule and not fewer than four (4) nor more than eighteen (18) Sectional Representatives who shall be elected for a period of four (4) years. Any person elected to an office which has been declared a full-time*

office shall be elected for a term of office of four (4) years. For the purposes of Branch administration the following Branch offices shall be declared full-time positions:

Victoria: Branch Secretary, three (3) Branch Organisers;

- (c) The Branch President, Branch Vice Presidents, Branch Secretary and full-time Branch Organisers shall be elected by ballot of the financial members of the Branch.
- (d) Sectional Representatives shall be elected from the members comprising the respective Industry Sections as provided in Rule 46A.
- (e) At least three (3) months prior to the opening of nominations for the Branch elections held under Rule 67, the Branch Committee of Management shall determine the number of Branch Committee of Management Members to be elected by and from each Industry Section in accordance with this Rule.
- (f) The number of positions of Sectional Representatives elected by and from members of the Branch allocated to each Industry Section shall be no less than two (2) and no more than nine (9).
- (g) At Branch Committee of Management meetings, a quorum shall not be present unless a majority of the Committee of Management members are present. If the required number of members be not present thirty (30) minutes after the advertised time of commencement, the meeting shall lapse. Each Branch Committee of Management member shall have a deliberate vote.
- (h) During the intervening period between meetings of the Branch Committee of Management any matters of an emergent nature shall be decided by a telephonic, telegraphic, facsimile machine or postal ballot of Branch Committee of Management Members. The result of such ballot shall be notified to Branch Committee of Management Members within fourteen (14) days of the date set for the closing of the ballot.
- (m) On the merger date, all offices in the NSW P&T Branch, the QLD Branch and the SA/NT Branch are abolished.
- (n) On and from the merger date, the offices set out in Column B of the table below will be held by the persons holding the corresponding office set out in Column A immediately preceding the merger date until the date set out or described in Column C:

<b>COLUMN A</b>	<b>COLUMN B</b>	<b>COLUMN C</b>
Branch President NSW P&T Branch	merged Branch President (NSW/ACT)	31 July 2023
Branch Vice President NSW P&T Branch	merged Branch Vice President (NSW/ACT)	31 July 2023
Branch Vice President NSW P&T Branch	merged Branch Vice President (NSW/ACT)	31 July 2023
Branch President QLD Branch	merged Branch Vice President (QLD)	31 July 2023
Branch Vice President QLD Branch	merged Branch Vice President (QLD)	31 July 2023
Branch Vice President QLD Branch	merged Branch Vice President (QLD)	31 July 2023
Branch Vice President (Affirmative Action) QLD	Merged Branch Vice President (Affirmative Action) (QLD)	31 July 2023

Branch		
Branch President SA/NT Branch	merged Branch Vice President (SA/NT)	31 July 2023
Branch Vice President SA/NT Branch	merged Branch Vice President (SA/NT)	31 July 2023
Branch Vice President SA/NT Branch	merged Branch Vice President (SA/NT)	31 July 2023
Branch Vice President (Affirmative Action) SA/NT Communications Branch	merged Branch Vice President (Affirmative Action) (SA/NT)	31 July 2023
Branch Secretary NSW P&T Branch	merged Branch Secretary (NSW/ACT)	31 July 2023
Branch Assistant Secretary NSW P&T Branch	merged Branch Assistant Secretary (NSW/ACT)	31 July 2023
Branch Secretary QLD Communications Branch	merged Branch Assistant Secretary (QLD)	31 July 2023
Branch Assistant Secretary QLD Communications Branch	merged Branch Organiser (QLD)	31 July 2023
Branch Secretary SA/NT Communications Branch	merged Branch Assistant Secretary (SA/NT)	31 July 2023
Branch Assistant Secretary SA/NT Communications Branch	merged Branch Committee of Management Member (SA/NT)	31 July 2023
Branch Organiser NSW P&T Branch	merged Branch Organiser (NSW/ACT)	31 July 2023
Branch Organiser NSW P&T Branch	merged Branch Organiser (NSW/ACT)	31 July 2023
Branch Organiser NSW P&T Branch	merged Branch Organiser (NSW/ACT)	31 July 2023
Branch Organiser NSW P&T Branch	merged Branch Organiser (NSW/ACT)	31 July 2023
Branch Committee of Management Member NSW P&T Postal Industry Section Branch	merged Branch Committee of Management Member (NSW/ACT)	31 July 2023
Branch Committee of Management Member NSW P&T Postal Industry Section Branch	merged Branch Committee of Management Member (NSW/ACT)	31 July 2023
Branch Committee of Management Member NSW P&T Postal Industry Section Branch	merged Branch Committee of Management Member (NSW/ACT)	31 July 2023
Branch Committee of Management Member NSW P&T Postal Industry Section Branch	merged Branch Committee of Management Member (NSW/ACT)	31 July 2023

Branch Committee of Management Member NSW P&T Postal Industry Section Branch	merged Branch Committee of Management Member (NSW/ACT)	31 July 2023
Branch Committee of Management Member NSW P&T Postal Industry Section Branch	merged Branch Committee of Management Member (NSW/ACT)	31 July 2023
Branch Committee of Management Member NSW P&T Postal Industry Section Branch	merged Branch Committee of Management Member (NSW/ACT)	31 July 2023
Branch Committee of Management Member NSW P&T Lines and General Industry Section Branch	merged Branch Committee of Management Member (NSW/ACT)	31 July 2023
Branch Committee of Management Member NSW P&T Lines and General Industry Section Branch	merged Branch Committee of Management Member (NSW/ACT)	31 July 2023
Branch Committee of Management Member NSW P&T Lines and General Industry Section Branch	merged Branch Committee of Management Member (NSW/ACT)	31 July 2023
Branch Committee of Management Member NSW P&T Lines and General Industry Section Branch	merged Branch Committee of Management Member (NSW/ACT)	31 July 2023
Branch Committee of Management Member NSW P&T Lines and General Industry Section Branch	merged Branch Committee of Management Member (NSW/ACT)	31 July 2023
Branch Committee of Management Member Postal Services Industry Section QLD Communications Branch	merged Branch Committee of Management Member (QLD)	31 July 2023
Branch Committee of Management Member Postal Services Industry Section QLD Communications Branch	merged Branch Committee of Management Member (QLD)	31 July 2023
Branch Committee of Management Member Postal Services Industry Section QLD Communications Branch	merged Branch Committee of Management Member (QLD)	31 July 2023
Branch Committee of Management Member Postal Services Industry Section QLD Communications Branch	merged Branch Committee of Management Member (QLD)	31 July 2023
Branch Committee of Management Member Telecommunications and Information Technology	merged Branch Committee of Management Member (QLD)	31 July 2023

Industry Section QLD Communications Branch		
Branch Committee of Management Member Telecommunications and Information Technology Industry Section QLD Communications Branch	merged Branch Committee of Management Member (QLD)	31 July 2023
Branch Committee of Management Member Postal Industry Services Section SA/NT Communications Branch	merged Branch Committee of Management Member (SA/NT)	31 July 2023
Branch Committee of Management Member Postal Industry Services Section SA/NT Communications Branch	merged Branch Committee of Management Member (SA/NT)	31 July 2023
Branch Committee of Management Member Postal Industry Services Section SA/NT Communications Branch	merged Branch Committee of Management Member (SA/NT)	31 July 2023
Branch Committee of Management Member Postal Industry Services Section SA/NT Communications Branch	merged Branch Committee of Management Member (SA/NT)	31 July 2023
Branch Committee of Management Member Telecommunications and Information Technology Industry Section SA/NT Communications Branch	merged Branch Committee of Management Member (SA/NT)	31 July 2023
Branch Committee of Management Member Telecommunications and Information Technology Industry Section SA/NT Communications Branch	merged Branch Committee of Management Member (SA/NT)	31 July 2023

- (o) All decisions of the Branch Committee of Management of the merged Branch shall be made by a majority of the votes cast at the meeting. The votes cast by members of the Branch Committee of Management of the merged Branch shall be on a card system. Each such member shall exercise a vote weighted proportionately to the percentage of financial members of the merged Branch in the geographic area in which the member resides having been equally divided by among number of members of the Branch Committee of Management of the merged Branch from that geographic area entitled to vote.

For the purposes of this sub-rule:

- The percentage of financial members in a geographic area shall be the number of financial members resident in a geographic area on the day immediately preceding the merger date; and

- The geographic areas shall be:
  - The State of New South Wales and the Australian Capital Territory;
  - The State of Queensland; and
  - The State of South Australia and the Northern Territory.
- (p) (i) Delegates to Divisional Conference as at the merger date elected by and from the members of the NSW P&T Branch, QLD Branch and SA/NT Branch shall remain in office representing the merged Branch until 31 July 2023; and
- (p) (ii) Members elected to the Divisional Executive as at the merger date elected by members of the NSW P&T Branch, QLD Branch and SA/NT Branch shall remain in office representing the merged Branch until 31 July 2023.
- (q) Any casual vacancy arising in respect of any office referred to in sub-rules (n) and (p) shall be filled by appointment of the Branch Committee of Management of the merged Branch notwithstanding where, in the case of an office referred to in sub-rule (n) not being a full time position, the Branch Committee of Management takes a decision to abolish the office for the remainder of the transitional period.
- (r) On the merger date, the assets and liabilities of the NSW P&T Branch, the QLD Branch and the SA/NT Branch shall become the assets and liabilities of the merged Branch.
- (s) Upon the merger date, all members of the NSW P&T Branch, the QLD Branch and the SA/NT Branch on the date prior to the merger date shall become members of the merged Branch without payment of entrance fees and shall maintain continuity of membership, retain voting rights in accordance with the Divisional Rules and any privileges will be preserved.
- (t) On the merger date, any period of membership and/or financial membership in the NSW P&T Branch or the QLD Branch or the SA/NT Branch in accordance with the Division's Rules prior to the merger date, shall be deemed to be for all purposes a period of membership and/or financial membership of the merged Branch. Any period of unfinancial membership in the NSW P&T Branch or the QLD Branch or the SA/NT Branch in accordance with the Division's Rules prior to the merger date shall be deemed to be for all purposes a period of unfinancial membership of the merged Branch.
- (u) A person holding life membership in the NSW P&T Branch, the QLD Branch or the SA/NT Branch on the day immediately preceding the merger date shall be deemed on the merger date to be a life member of the merged Branch for all purposes under the Divisional Rules.
- (v) A person holding the appointment of a Returning Officer or a Deputy Returning Officer of the NSW P&T Branch on the day preceding the merger date, shall be deemed to be on the merger date, the Returning Officer or the Deputy Returning Officer of the merged Branch respectively.
- (w) From the merger date, the persons who held office in the NSW P&T Branch, the QLD Branch and the SA/NT Branch prior to the merger date shall take all and every action and execute such documents as may be necessary for, or helpful in effecting the transfer of assets, funds and property and debts and liabilities of the NSW P&T Branch, the QLD Branch and the SA/NT Branch to the merged Branch.

### **Part C – Telecommunications and Services Branch**

- (x) For the purposes of this Part of the Divisional Rule:
  - (i) "transitional period" shall mean the period commencing on the merger date and ending on 31 July 2023.
  - (ii) "NSW T&S Branch" shall mean the New South Wales Telecommunications and Services Branch.

- (iii) "Vic T&S Branch" shall mean the Victorian Telecommunications and Services Branch
- (iv) "merged Branch" shall mean the Telecommunications and Services Branch.
- (y) On the merger date, the NSW T&S Branch and the Vic T&S Branch shall merge to form the merged Branch.
- (z) On the merger date, Divisional Rule 46B shall be amended as follows:
  - (i) Delete the heading to Divisional Rule 46B and replacing it with the following heading:  
*"46B - INDUSTRY SECTIONS - TELECOMMUNICATIONS AND SERVICES BRANCH"*
  - (ii) Delete the first sentence of sub-rule (a) and replacing it with the following sentence:  
*"The Telecommunications and Services Branches shall have two Industry Sections and each member shall be allocated to an Industry Section."*
  - (iii) Amend Divisional Rule 46B(a)(iv) by replacing the word "Branches" with "Branch".
- (aa) On the merger date, Divisional Rule 76A shall be amended as follows:
  - (i) Delete the heading in Divisional Rule 76A and replacing it with the following heading:  
*"76A – BRANCH MANAGEMENT - TELECOMMUNICATIONS AND SERVICES BRANCHES"*
  - (ii) Delete the first sentence of Divisional Rule 76A and replacing it with the following sentence:  
*"The provisions of this Rule shall apply to the Telecommunications and Services Branches constituted under Rule 44 to the extent that these provisions are not inconsistent with the provisions of Rules 44 to 74."*
  - (iii) Amend Divisional Rule 76A(a) by replacing the word "Branches" with "Branch".
  - (iv) Amend Divisional Rule 76A(b) by replacing the word "Branches" with "Branch".
  - (v) Amend Divisional Rule 76A(c) by deleting the words "or Branch Assistant Secretaries".
  - (vi) Amend Divisional Rule 76A(c) by deleting the words "together with such numbers of Branch Organisers as provided in sub-rule (g)".
  - (vii) Delete Divisional Rule 76A(f) and replacing it with the following:  
*"One (1) Branch Vice President elected by and from the Branch financial membership of the Technical Industry Section, one (1) Branch Vice President elected by and from the Branch financial membership of the Operator Industry Section, one (1) Branch Assistant Secretary elected by the Branch financial membership."*
  - (viii) Delete Divisional Rule 76A(g) and replacing it with the following:  
*"For the purposes of Branch administration, the following office shall be declared full-time:  
  
Branch Secretary, one (1)".*
  - (ix) Add to Divisional Rule 76A a new sub-rule (i):



*“To avoid doubt, meetings of the Branch, including Committee of Management Meetings and Annual General Meetings may be held by electronic means as determined by the Committee of Management.”*

- (bb) On the merger date, all offices in the NSW T&S Branch and the Vic T&S Branch are abolished.
- (cc) On and from the merger date, the offices set out in Column B set out in the table below will be held by the person holding the corresponding office set out in Column A immediately preceding the merger date until the date set out or described in Column C:

<b>COLUMN A</b>	<b>NUMBER</b>	<b>COLUMN B</b>	<b>COLUMN C</b>
<b>Vic T&amp;S Branch</b>		<b>T&amp;S Branch</b>	
Secretary	1	Secretary	31 July 2023
President	1	President	31 July 2023
Assistant Secretary	1	Committee of Management Member (Technical)	31 July 2023
Vice President	1	Committee of Management Member (Technical)	31 July 2023
Committee of Management (Technical)	7	Committee of Management Member (Technical)	31 July 2023
Committee of Management (Operator)	1	Committee of Management Member (Operator)	31 July 2023
<b>NSW T&amp;S Branch</b>			
Secretary	1	Assistant Secretary	31 July 2023
Branch Assistant Secretary	1	Committee of Management Member (Technical)	31 July 2023
President	1	Vice President (Technical)	31 July 2023
Vice President (Technical)	2	Committee of Management Member (Technical)	31 July 2023
Vice President (Operator)	1	Vice President (Operator)	31 July 2023
Committee of Management (Technical)	6	Committee of Management Member (Technical)	31 July 2023
Committee of Management (Operator)	1	Committee of Management Member (Operator)	31 July 2023

- (dd) (i) Delegates to Divisional Conference as at the merger date elected by and from the members of the NSW T&S Branch and the Vic T&S Branch shall remain in office representing the merged Branch until 31 July 2023; and
- (ii) Members elected to the Divisional Executive as at the merger date elected by members of the NSW T&S Branch and the Vic T&S Branch shall remain in office representing the merged Branch until 31 July 2023.
- (ee) Any casual vacancy arising in respect of any office referred to in sub-rules (cc) and (dd) shall be filled by appointment of the Branch Committee of Management of the merged Branch notwithstanding where, in the case of an office referred to in sub-rule (cc) not being a full time position, the Branch Committee of Management takes a decision to abolish the office for the remainder of the transitional period.

- (ff) On the merger date, the assets and liabilities of the NSW T&S Branch and the Vic T&S Branch shall become the assets and liabilities of the merged Branch.
- (gg) Upon the merger date, all members of the NSW T&S Branch and the Vic T&S Branch on the date prior to the merger date shall become members of the merged Branch without payment of entrance fees and shall maintain continuity of membership, retain voting rights in accordance with the Divisional Rules and any privileges will be preserved.
- (hh) On the merger date, any period of membership and/or financial membership in the NSW T&S Branch and the Vic T&S Branch in accordance with the Division's Rules prior to the merger date, shall be deemed to be for all purposes a period of membership and/or financial membership of the merged Branch. Any period of unfinancial membership in the NSW T&S Branch and the Vic T&S Branch in accordance with the Division's Rules prior to the merger date shall be deemed to be for all purposes a period of unfinancial membership of the merged Branch.
- (ii) A person holding life membership in the NSW T&S Branch or the Vic T&S Branch on the day immediately preceding the merger date shall be deemed on the merger date to be a life member of the merged Branch for all purposes under the Divisional Rules.
- (jj) A person holding the appointment of a Returning Officer or a Deputy Returning Officer of the Vic T&S Branch on the day preceding the merger date, shall be deemed to be on the merger date, the Returning Officer or the Deputy Returning Officer of the merged Branch respectively.
- (kk) From the merger date, the persons who held office in the NSW T&S Branch and the Vic T&S Branch prior to the merger date shall take all and every action and execute such documents as may be necessary for, or helpful in effecting the transfer of assets, funds and property and debts and liabilities of the NSW T&S Branch and the Vic T&S Branch to the merged Branch.

#### **Part D – Miscellaneous Amendments**

- (ll) On the merger date, Rule 4(n) shall be amended by deleting the words "constituted by Rules 46, 46A and 46B" with "constituted by Rules 46, 46A, 46B and 46C"
- (mm) On the merger date a new Divisional Rule 5A shall be inserted as follows:

##### **R5A – Divisional Conference (Geographically Specific Delegates)**

- (a) Notwithstanding Rule 5 where an industry section within a Branch is composed of members from more than one geographically specific electorate each geographically specific electorate shall elect Divisional Conference delegates from and by the members of the Industry Section within each geographically specific electorate as though each geographically specific area were, for the purposes of this rule, a distinct industry section.
- (b) The voting power otherwise liable to be allocated to delegates from each industry section within a Branch pursuant to R5(g) is to be applied such that references to the electorate are taken to be references to the relevant geographically specific electorate from which the delegate has been elected.
- (c) In this rule "geographically specific electorate" shall refer severally to each of:

In respect of the CWU Central Branch:

- (i) the State of New South Wales and the Australian Capital Territory;
- (ii) the State of South Australia and the Northern Territory; and
- (iii) the State of Queensland

In respect of the Telecommunications and Services Branch:

- (iv) the State of New South Wales and the Australian Capital Territory; and
- (v) the State of Victoria.

(nn) On the merger date a new Divisional Rule 11A shall be inserted as follows:

**R11A - Divisional Executive (Geographically Specific Delegates)**

- (a) Notwithstanding Rule 11 where an industry section within a Branch is composed of members from more than one geographically specific electorate each geographically specific electorate shall elect a Divisional Executive Member from and by the members of the Industry Section within each geographically specific electorate as though each geographically specific area were, for the purposes of this rule, a distinct industry section.
- (b) The voting power otherwise liable to be allocated to a Divisional Executive Member from each industry section within a Branch pursuant to R5(g)(i) is to be applied such that references to the electorate are taken to be references to the relevant geographically specific electorate from which the delegate has been elected.
- (c) In this rule “geographically specific electorate” shall refer severally to each of:

In respect of the CWU Central Branch:

- (i) the State of New South Wales and the Australian Capital Territory;
- (ii) the State of South Australia and the Northern Territory; and
- (iii) the State of Queensland.

In respect of the Telecommunications and Services Branch:

- (i) the State of New South Wales and the Australian Capital Territory; and
- (ii) the State of Victoria