



Divisional Secretary
Communications Division
CEPU
PO Box 472
CARLTON SOUTH VIC 3053

**Post Election Report For: Communications, Electrical, Electronic, Energy, Information,
Postal, Plumbing and Allied Services Union of Australia
Communications Division
Election E2011/2512**

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to Fair Work Australia and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of Schedule 1 requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the Fair Work (Registered Organisations) Act 2009 requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.



Danielle Paterson
Returning Officer

25 August 2011

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

**Communications, Electrical, Electronic, Energy, Information, Postal,
Plumbing and Allied Services Union of Australia
Communications Division
Divisional Offices**

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: *E2011/2512*

RULES

Rules used for the election: [128V-COM: - Incorporates alterations of 15 April 2011 certified in matter R2011/42]

Rules difficult to apply/interpret: ***19(b)(ii) Candidates for Divisional Assistant Secretaries shall be members of the Division***
Should be Industry Group as per Rules 19(c) and 21(b).

23(j)(i) after the closing date of the ballot ...open the envelope referred to in (j)(ii) above

23(j)(ii) refers to the random signature check.
23(g)(ii) refers to the reply paid envelope which appears to be the correct reference.

67(d)((vi)(A) After the closing date of the ballot in the presence of scrutineers appointed pursuant to Rule 72(c) open each envelope

Rule 72(c) Relates to having regard to medical evidence when considering extraordinary branch vacancies.

Rule 71(c) is the correct reference to scrutineers for branch elections.

Rule 25 Relates to Scrutineer appointment

66(a)In part: No person shall be eligible to be nominated for or elected to any office or position unless such person shall have been a continuously financial member of the Branch for a period of not less than 12 months immediately prior to the closing date of nominations.

There were conflicting opinions about the meaning of "continuously financial", and how

this related to members who had moved between Industry Sections within the Branch. The rule is relatively clear in that it only requires continued financiality with respect to the Branch. One particular case was considered at some length, regarding a nominee who had moved between Industry Sections, to determine if a delay in the change to a higher membership rate affected the member's financiality. The member in question was deemed to be "continuously financial", and his nominations were accepted.

67(a) The positions referred to in 68(b) and (c) shall be elected by secret postal ballot of financial members of the relevant Industry Section.

68(b) refers to Filling Branch Vacancies- Short Term

68(c) does not exist

The correct references appear to be 76 (b) and (c) and 76A (b) and (c) which refer to Branch Committee of Management for the NSW and Victorian Postal and Telecommunications Branches and Telecommunications and Services Branches.

75(e)

"Branch Vice Presidents and Sectional Representatives shall be elected from the members comprising the respective Industry Sections as provided in Rule 46."

The intent of this rule seems to be to limit the electorate for Branch Vice President and Sectional Representatives to the members of the respective Industry Sections, though it fails to specifically do this. The term "from" indicates that *nominees* must be from the respective Industry Section, however there is no use of the term "by", which relates directly to the *electorate* (see rule 75(d) for an example of "by and from").

Model Rule reference (if any):

N/A

ROLL OF VOTERS

Total number of voters on the Roll:	25,576
Number of apparent workplace addresses:	436
Number of non-current addresses:	24

Other matters pertaining to the roll of voters: Affirmative Action- some branches do not include gender in the membership records- difficult to apply when can only refer to member's title (Mr/Mrs etc) there were some cases in WA where the RO was required to get further information from the union. In a couple of cases, names which are common to one gender had the salutation for the other gender. The union should include the gender of each member in their records.

IRREGULARITIES

Details of written allegations of irregularities, and action taken by AEC: Nil

Other irregularities identified, and action taken: The posting of ballot material in Queensland was delayed by 1 day due to a shortage of material at the mailhouse. With a ballot period of 1 month, this was not deemed to have had any effect on the ballot.

ATTACHMENTS

Declarations of Results: Divisional Offices
New South Wales Postal and Telecommunications Branch
New South Wales Telecommunications and Services Branch
Victoria Postal and Telecommunications Branch
Victoria Telecommunications and Services Branch
Queensland Communications Divisional Branch
South Australia and Northern Territory Communications Branch
Western Australia Communications Branch
Tasmania Communications Branch



Danielle Paterson
National Returning Officer

25 August 2011