

Regulation 126(1) Notice of Alteration to the CEPU Rules
Section B Electrical Division – Various Rules – December 2015

Group 1 Rules Alterations

Proposed Alterations to Section B – Rules
Rules of the Electrical, Energy & Services Division

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Rule 5.1 Entrance Fees and Contributions

1. By amending rule 5.1 Entrance Fees and Contributions as follows:

Current Rule

5.1 Entrance Fees

- 5.1.1 Applicants for membership in this Division employed as tradespersons or in classifications receiving equal to or in excess of tradesperson's rates of pay shall pay an entrance fee of ten dollars (\$10.00) or any additional amount determined by the State Council. Other applicants (excluding process workers) shall pay an entrance fee of two dollars (\$2.00). Such payment shall not be a condition precedent to membership.
- 5.1.2 Any persons seeking to join this Division of the Union or returning from the Unemployment Register shall be required to pay one third of the appropriate quarterly contributions for each unexpired month or part of a month in the current quarter calculated to the nearest fifty cents (50c).

Proposed Rule (Tracked)

5.1 Entrance Fees

- 5.1.1 Applicants for membership in this Division shall pay ~~an entrance fee of ten dollars (\$10.00) or any additional amount~~ such entrance fee as determined by the State Council. Other applicants (excluding process workers) shall pay an entrance fee of two dollars (\$2.00). Such payment shall not be a condition precedent to membership.
- 5.1.2 Any persons seeking to join this Division of the Union or returning from the Unemployment Register ~~shall be required to pay~~ may be required to pay a sum determined by the relevant state council, provided such sum does not exceed one third of the appropriate quarterly contributions for each unexpired month or part of a month in the current quarter calculated to the nearest fifty cents (50c).

Proposed Rule (Un-Tracked)

5.1 Entrance Fees

- 5.1.1 Applicants for membership in this Division shall pay such entrance fee as determined by the State Council. Other applicants (excluding process workers) shall pay an entrance fee of two dollars (\$2.00). Such payment shall not be a condition precedent to membership.

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- 5.1.2 Any persons seeking to join this Division of the Union or returning from the Unemployment Register may be required to pay a sum determined by the relevant state council, provided such sum does not exceed one third of the appropriate quarterly contributions for each unexpired month or part of a month in the current quarter calculated to the nearest fifty cents (50c).

Rule 5.2.3 Differential Contribution Rates

2. By amending rule 5.2.3 dealing with Differential Contribution Rates as follows:

Current Rule

- 5.2.3 Juniors and apprentices receiving adult rates of pay shall pay the adult rates of contributions.

Current Rule (Tracked)

- 5.2.3 ~~Juniors and apprentices receiving adult rates of pay shall pay the adult rates of contributions~~ *State Councils may set differential contribution rates for: apprentices, part-time employed members, casually employed members, and non-trades qualified members.*

Proposed Rule (Un-Tracked)

- 5.2.3 State Councils may set differential contribution rates for: apprentices, part-time employed members, casually employed members, and non-trades qualified members.

Rule 5.3.2 Annual Subscription Rate

3. By deleting rule 5.3.2 Annual Subscription Rate as follows:

Current Rule

- 5.3.2 The annual subscription rate shall only apply to the current calendar year, excepting in the West Australian, Victorian, Tasmanian, South Australian, Queensland and Northern Territory Branches where it shall apply for the current financial year, and all subscriptions paid, except as prescribed in the preceding paragraph, shall be at the quarterly or six monthly rate.

Current Rule (Tracked)

- ~~5.3.2 — The annual subscription rate shall only apply to the current calendar year, excepting in the West Australian, Victorian, Tasmanian, South Australian, Queensland and Northern Territory Branches where it shall apply for the current financial year, and all~~

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~~subscriptions paid, except as prescribed in the preceding paragraph, shall be at the quarterly or six monthly rate.~~

Proposed Rule (Un-Tracked)

N/A – deleted

Rule 5.5.1 Unemployment Register

4. By amending rule 5.5.1 Unemployment Register as follows:

Current Rule

5.5.1.1 Members registering for employment at Divisional Branch Offices shall be supplied with an unemployment register card by the Union, which they are required to return to the Divisional Branch office within a week in the event of obtaining employment, giving particulars on the card as to the date of starting and place of employment.

...

5.5.1.3 Exemption from payment of union dues in the case of unemployment shall only be granted to members who fully comply with this rule. Provided further that such members shall also notify the Divisional Secretary in writing at the end of each quarterly period when out of work.

Current Rule (Tracked)

5.5.1.1 Members registering for employment at *a* Divisional Branch ~~Offices~~ *office* shall be supplied with an unemployment register card by the Union, which they are required to return to the Divisional Branch office within a week in the event of obtaining employment, giving particulars on the card as to the date of starting and place of employment.

...

5.5.1.3 Exemption from payment of union dues in the case of unemployment shall only be granted to members who fully comply with this rule. Provided further that such members shall also notify the ~~Divisional~~ *Branch* Secretary in writing at the end of each quarterly period when out of work

Proposed Rule (Un-Tracked)

5.5.1.1 Members registering for employment at a Divisional Branch office shall be supplied with an unemployment register card by the Union, which they are required to return to the Divisional Branch

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office within a week in the event of obtaining employment, giving particulars on the card as to the date of starting and place of employment.

...

- 5.5.1.3 Exemption from payment of union dues in the case of unemployment shall only be granted to members who fully comply with this rule. Provided further that such members shall also notify the Branch Secretary in writing at the end of each quarterly period when out of work

Rule 5.7 Members as Part Time Employees

5. By deleting rule 5.7 Members as Part Time Employees

Current Rule

~~5.7 — Members Engaged as Part Time Employees~~

~~— Members who are engaged to work in accordance with a part time provision in an award or agreement, for a regular number of hours not exceeding 24 hours per week, may make application to pay membership contributions on the basis of not less than 50 percent of the appropriate contribution rate.~~

Proposed Rule (Un-Tracked)

N/A – deleted

Rule 7.2 Divisional Council

6. By amending rule 7.2 Powers of Divisional Council as follows:

Current Rule

- 7.2.1 The Divisional Council shall be the supreme governing body of the Division, and subject to the provisions of any State Trade Union Act so far as members of the Divisional Branch to which such Act applies, its decision on all matters, whether specifically provided for by these Rules or not, shall be final and binding on all members, subject to any referendum that may be conducted pursuant to rule 17 "Control of Divisional Council and Executive by Members".
- 7.2.2 Subject to the provisions of any State Trade Union Act so far as members of the Divisional Branch to which such Act applies, the Divisional Council shall act in all matters referred to it by a Divisional Branch, and shall decide in all cases for which no provision is made in these Rules, and shall have the general control and conduct of the business and affairs of the Division. The actions and decisions of the Divisional Council shall be final unless

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negated, as provided in rule 17 "Control of Divisional Council and Executive by Members", or otherwise dealt with by a majority of the members of the Division by a referendum or by a special conference.

- 7.2.3 Unless otherwise provided, the Divisional Council shall have the power:
- 7.2.3.1 To authorise the formation of Electrical, Energy and Services Division Branches.
 - 7.2.3.2 To decide upon the policy of this Division in all matters affecting the members.
 - 7.2.3.3 To determine any affiliation by this Division with any organisation or political party having objects similar in whole or in part to the objects of this Division.
 - 7.2.3.4 To fix the remuneration and allowances of officers, employees and members of this Division.
 - 7.2.3.5 To appoint and remove auditors.
 - 7.2.3.6 To elect, suspend or remove officers of this Division.
 - 7.2.3.7 To take steps which will ensure that all Electrical, Energy and Services Division branches work in conformity with the Rules of this Division.
 - 7.2.3.8 To hear and decide any appeal from any divisional branch or member of this Division in relation to charges laid under the prescription of rule 27 "Offences and Penalties".
 - 7.2.3.9 To give effect to any decision of a ballot of members of this Division taken in accordance with the rules of this Division.
 - 7.2.3.10 To receive, adopt or otherwise deal with the annual report and balance sheet of this Division.
 - 7.2.3.11 To fix time and place of Divisional Council meetings and special divisional conferences.
 - 7.2.3.12 To settle disputes between Electrical, Energy and Services Division branches and divisional sub-branches and sections.
 - 7.2.3.13 To submit any matter affecting this Division only to the members of the Division for decision by ballot.

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7.2.3.14 To delegate any of its powers under these rules to another elected body or elected officer or officers of the union, subject to any limitations and guidelines as it shall determine.

7.2.3.15 To establish committees and/or working parties to work as directed according to any limitations and guidelines determined by the Council.

7.2.3.16 To take such steps in accordance with this section of the rules as it may consider necessary for the enforcement of this section of the rules and in furtherance of the objects of this Division.

7.2.3.17 Subject to Rule 3 - "New Rules & Alterations or Rescission of Rules" of this section to make, amend, or rescind the rules of this Division.

Current Rule (Tracked)

7.2.1 *The* Divisional Council shall be the supreme governing body of the Division, and ~~subject to the provisions of any State Trade Union Act so far as members of the Divisional Branch to which such Act applies,~~ its decision on all matters, whether specifically provided for by these Rules or not, shall be final and binding on all members, subject to any referendum that may be conducted pursuant to rule 17 "Control of Divisional Council and Executive by Members".

7.2.2 ~~Subject to the provisions of any State Trade Union Act so far as members of the Divisional Branch to which such Act applies, the~~ *The* Divisional Council shall act in all matters referred to it by a Divisional Branch, and shall decide in all cases for which no provision is made in these Rules, and shall have the general control and conduct of the business and affairs of the Division. The actions and decisions of the Divisional Council shall be final unless negated, as provided in rule 17 "Control of Divisional Council and Executive by Members", or otherwise dealt with by a majority of the members of the Division by a referendum or by a special conference.

7.2.3 Unless otherwise provided, the Divisional Council shall have the power:

7.2.3.1 ~~To~~ *to* authorise the formation of Electrical, Energy and Services Division Branches~~;~~

7.2.3.2 ~~To~~ *to* decide upon the policy of this Division in all matters affecting the members~~;~~

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7.2.3.3 ~~To~~ to determine any affiliation by this Division with any organisation or political party having objects similar in whole or in part to the objects of this Division~~;~~

7.2.3.4 ~~To~~ to fix the remuneration and allowances of officers, employees and members of this Division~~;~~

7.2.3.5 ~~To~~ to appoint and remove auditors~~;~~

7.2.3.6 ~~To~~ to elect, suspend or remove officers of this Division~~;~~

7.2.3.7 ~~To~~ to take steps which will ensure that all Electrical, Energy and Services Division branches work in conformity with the Rules of this Division~~;~~

7.2.3.8 ~~To~~ to hear and decide any appeal from any divisional branch or member of this Division in relation to charges laid under the prescription of rule 27 "Offences and Penalties"~~;~~

7.2.3.9 ~~To~~ to give effect to any decision of a ballot of members of this Division taken in accordance with the rules of this Division~~;~~

7.2.3.10 ~~To~~ to receive, adopt or otherwise deal with the annual report and balance sheet of this Division~~;~~

7.2.3.11 ~~To~~ to fix time and place of Divisional Council meetings and special divisional conferences~~;~~

7.2.3.12 ~~To~~ to settle disputes between Electrical, Energy and Services Division branches and divisional sub-branches and sections~~;~~

7.2.3.13 ~~To~~ to submit any matter affecting this Division only to the members of the Division for decision by ballot~~;~~

7.2.3.14 ~~To~~ to delegate any of its powers under these rules to another elected body or elected officer or officers of the union, subject to any limitations and guidelines as it shall determine~~;~~

7.2.3.15 ~~To~~ to establish committees and/or working parties to work as directed according to any limitations and guidelines determined by the Council ~~;~~

7.2.3.16 ~~To~~ to take such steps in accordance with this section of the rules as it may consider necessary for the enforcement of this section of the rules and in furtherance of the objects of this Division~~;~~ and

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7.2.3.17 ~~Subject~~ *subject* to Rule 3 - "New Rules & Alterations or Rescission of Rules" of this section to make, amend, or rescind the rules of this Division.

Proposed Rule (Un-Tracked)

- 7.2.1 The Divisional Council shall be the supreme governing body of the Division and its decision on all matters, whether specifically provided for by these Rules or not, shall be final and binding on all members, subject to any referendum that may be conducted pursuant to rule 17 "Control of Divisional Council and Executive by Members".
- 7.2.2 The Divisional Council shall act in all matters referred to it by a Divisional Branch, and shall decide in all cases for which no provision is made in these Rules, and shall have the general control and conduct of the business and affairs of the Division. The actions and decisions of the Divisional Council shall be final unless negated, as provided in rule 17 "Control of Divisional Council and Executive by Members", or otherwise dealt with by a majority of the members of the Division by a referendum or by a special conference.
- 7.2.3 Unless otherwise provided, the Divisional Council shall have the power:
- 7.2.3.1 to authorise the formation of Electrical, Energy and Services Division Branches;
 - 7.2.3.2 to decide upon the policy of this Division in all matters affecting the members;
 - 7.2.3.3 to determine any affiliation by this Division with any organisation or political party having objects similar in whole or in part to the objects of this Division;
 - 7.2.3.4 to fix the remuneration and allowances of officers, employees and members of this Division;
 - 7.2.3.5 to appoint and remove auditors;
 - 7.2.3.6 to elect, suspend or remove officers of this Division;
 - 7.2.3.7 to take steps which will ensure that all Electrical, Energy and Services Division branches work in conformity with the Rules of this Division;

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7.2.3.8 to hear and decide any appeal from any divisional branch or member of this Division in relation to charges laid under the prescription of rule 27 "Offences and Penalties";

7.2.3.9 to give effect to any decision of a ballot of members of this Division taken in accordance with the rules of this Division;

7.2.3.10 to receive, adopt or otherwise deal with the annual report and balance sheet of this Division;

7.2.3.11 to fix time and place of Divisional Council meetings and special divisional conferences;

7.2.3.12 to settle disputes between Electrical, Energy and Services Division branches and divisional sub-branches and sections;

7.2.3.13 to submit any matter affecting this Division only to the members of the Division for decision by ballot;

7.2.3.14 to delegate any of its powers under these rules to another elected body or elected officer or officers of the union, subject to any limitations and guidelines as it shall determine;

7.2.3.15 to establish committees and/or working parties to work as directed according to any limitations and guidelines determined by the Council;

7.2.3.16 to take such steps in accordance with this section of the rules as it may consider necessary for the enforcement of this section of the rules and in furtherance of the objects of this Division; and

7.2.3.17 subject to Rule 3 - "New Rules & Alterations or Rescission of Rules" of this section to make, amend, or rescind the rules of this Division.

Rule 7.4 Voting on Divisional Council

7. Rule 7.4 Voting on Divisional Council

Current Rule

7.4.3 Where the votes are not equally divisible between the councillors present, such councillors may each exercise the highest number of votes which can be equally allocated to each of them and the remaining vote or votes may be exercised by such councillor as determined by the relevant State Council. In the absence of such a determination the relevant councillors may decide the allocation of votes between themselves on a

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consensus basis. In the event that they fail to reach a consensus, the allocation of the additional votes may be decided by the drawing of lots.

Current Rule (Tracked)

- 7.4.3 Where the votes are not equally divisible between the councillors present, such councillors may each exercise the highest number of votes which can be equally allocated to each of them and the remaining vote or votes may be exercised by such councillor as determined by the relevant State Council. In the absence of such a determination the relevant councillors may decide the allocation of votes between themselves on a consensus basis. In the event that they fail to reach a consensus, the allocation of the additional votes may be decided by the ~~drawing of lots~~ *Divisional Executive Committee*.

Proposed Rule (Un-Tracked)

- 7.4.2 The votes shall be divided equally among the delegates from the Divisional Branch. Provided that a proxy Divisional Councillor, acting in accordance with rule 7.13 "Divisional Council Proxies" shall be entitled to exercise the votes of the absent Councillor as though the person was attending the meeting.
- 7.4.3 Where the votes are not equally divisible between the councillors present, such councillors may each exercise the highest number of votes which can be equally allocated to each of them and the remaining vote or votes may be exercised by such councillor as determined by the relevant State Council. In the absence of such a determination the relevant councillors may decide the allocation of votes between themselves on a consensus basis. In the event that they fail to reach a consensus, the allocation of the additional votes may be decided by the Divisional Executive Committee.

Rule 7.7.2 – Out of Session Decisions

8. Rule 7.7.2 – Out of Session Decisions

Current Rule

7.7 Divisional Council Decisions by Correspondence

...

- 7.7.2 Such matters may be forwarded by the Divisional Secretary or someone nominated by him or her, either by post, facsimile transmission or, electronic mail to each Divisional Councillor. . The Divisional Secretary may prescribe a time in which votes shall be returned and/or a preferred method by which Councillors should return their votes.

Amended Rule (Tracked)

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- 7.7 ***Out of Session Decisions by* Divisional Council** ~~Decisions by Correspondence~~
- 7.7.1 When the Divisional Council is not in session the Divisional Executive may resolve to submit any matters to members of the Divisional Council for a *an out of session* decision ~~by correspondence~~.
- 7.7.2 Such matters may be forwarded by the Divisional Secretary or someone nominated by him or her, either by post, facsimile transmission or, electronically *ally (whether via electronic mail, sms, online or otherwise via electronic mail or otherwise)* to each Divisional Councillor.-The Divisional Secretary may prescribe a time in which votes shall be returned and/or a preferred method by which Councillors should return their votes.
- 7.7.3 The Divisional Councillors shall record their vote on the matter submitted to them and send it to the Divisional Secretary by post, facsimile transmission or *electronically (whether via electronic mail, sms, online or otherwise) email* within the prescribed time where relevant. Each vote must be signed by, *or otherwise verifiably attributed to*, the Councillor recording it. If a time is prescribed for the return of the vote, failure to lodge a vote within that time means the vote will not be recorded. Failure to lodge a vote in a prescribed time will not render the ballot invalid.

Amended Rule (un-Tracked)

- 7.7 **Out of Session Decisions by Divisional Council**
- 7.7.1 When the Divisional Council is not in session the Divisional Executive may resolve to submit any matters to members of the Divisional Council for an out of session decision.
- 7.7.2 Such matters may be forwarded by the Divisional Secretary or someone nominated by him or her, either by post, facsimile transmission or, electronically (whether via electronic mail, sms, online or otherwise) to each Divisional Councillor. The Divisional Secretary may prescribe a time in which votes shall be returned and/or a preferred method by which Councillors should return their votes.
- 7.7.3 The Divisional Councillors shall record their vote on the matter submitted to them and send it to the Divisional Secretary by post, facsimile transmission or electronically (whether via electronic mail or otherwise) within the prescribed time where relevant. Each vote must be signed by, or otherwise verifiably attributed to, the Councillor recording it. If a time is prescribed for the return of the vote, failure to lodge a vote within that time means the vote will not be recorded. Failure to lodge a vote in a prescribed time will not render the ballot invalid.

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Rule 9.5.1 - Acting Secretary (typographical)

9. By amending rule 9.5.1 as follows:

Current Rule

- 9.5.1 The Divisional Council shall determine whether there shall be an office of Assistant Divisional Secretary, and how many such offices there will be. Such determination shall not be made between the calling of Quadrennial Elections and the declaration of that Queensland ballot. Where no determination is made, it is deemed that the same composition of such offices as were elected at the last Quadrennial Election are to be elected at the next..

Current Rule (Tracked)

- 9.5.1 The Divisional Council shall determine whether there shall be an office of Assistant Divisional Secretary, and how many such offices there will be. Such determination shall not be made between the calling of Quadrennial Elections and the declaration of that ~~Queensland~~ *Quadrennial* ballot. Where no determination is made, it is deemed that the same composition of such offices as were elected at the last Quadrennial Election are to be elected at the next..

Proposed Rule (Un-Tracked)

- 9.5.1 The Divisional Council shall determine whether there shall be an office of Assistant Divisional Secretary, and how many such offices there will be. Such determination shall not be made between the calling of Quadrennial Elections and the declaration of that Quadrennial ballot. Where no determination is made, it is deemed that the same composition of such offices as were elected at the last Quadrennial Election are to be elected at the next..

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Gender language corrections

10. By amending the following rules to correct gender specific language

4.6.1 By replacing “tendered his resignation” with “tendered their resignation” as follows:

A member may resign from membership if employed in an industry other than that represented by this Union or by giving three months notice. Notice shall be in writing and addressed to the Secretary of the Divisional Branch to which the member is attached and delivered to that officer. The Secretary shall issue an official acknowledgement of receipt of such notice of resignation and the production of such acknowledgement shall be held to be proof that the member has tendered ~~his~~ *their* resignation.

5.2.6 By replacing “to the extent of his payment” with “to the extent of their payment” as follows:

Provided that any person who has paid contributions, subscriptions, fines, levies, fees or dues to the Electrical Trades Union of Australia, New South Wales Branch, an organisation of employees registered under the NSW Industrial Relations Act 1991 whether before or after its registration, shall be exempt from payments of contributions, subscriptions, fines, levies, or dues under these rules to the extent of ~~his~~ *their* payment to the said trade and industrial Union in any year.

9.4.3 By replacing “to his successor” with “to their successor” as follows:

Upon retirement from Office the Divisional Secretary shall deliver all books, records and assets of the Union to ~~his~~ *their* successor in the presence of the duly appointed auditor. The auditor shall make an appropriate certified report of the changeover to the Divisional Executive.

16.1.2 By replacing “term of his predecessor” with “term of their predecessor” as follows:

Where the unexpired portion of the term exceeds three-quarters of the term of the office or if it is less but the Divisional Council so decides, an election shall be held to fill the office. Such election shall be conducted in accordance with the relevant provisions of rule 15 "Elections" and shall be commenced within six (6) months of the vacancy occurring. The successful candidate shall hold office for the unexpired term of ~~his~~ *their* predecessor unless he/*she* resigns, dies or is removed from office in accordance with the rules.

16.2.4 By replacing “term of his predecessor unless he resigns” with “term of their predecessor unless they resign” as follows:

The successful candidate shall hold office for the unexpired term of ~~his~~ *their* predecessor unless he/*she* resigns, dies or is removed from office in accordance with the rules.

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16.3.2 By replacing “unless he resigns” with “unless they resign” as follows:

Where the unexpired portion of the term exceeds three-quarters of the term of the office or if it is less but the State Council so decides, an election shall be held to fill the office. Such election shall be conducted in accordance with the relevant provisions of rule 15 "Elections" and shall be commenced within six (6) months of the vacancy occurring. The successful candidate shall hold office for the unexpired term of ~~his~~ *their* predecessor unless ~~he~~/*she* resigns, dies or is removed from office in accordance with the rules.

18.1.3 By replacing “his advice” with “his/her advice” as follows:

Industrial Agreements that cover the geographical scope of one Divisional Branch (“Branch industrial agreements”) may be made, entered into and executed, and may from time to time be altered, varied, modified or cancelled by the Divisional Branch whose members are covered. All Branch industrial agreements shall be executed by the Divisional Branch Secretary, or such other officer as is authorised to do so by the Divisional Branch Executive and subsequently endorsed by Divisional State Council. If requested, details of any proposed agreement shall be provided to the Divisional Secretary for ~~his~~/*her* advice as to the possible effect on other Divisional Branches.