



DECISION

Fair Work (Registered Organisations) Act 2009
s.159—Alteration of other rules of organisation

**Communications, Electrical, Electronic, Energy, Information, Postal,
Plumbing and Allied Services Union of Australia**
(R2015/156)

MR ENRIGHT

MELBOURNE, 12 AUGUST 2015

Alteration of other rules of organisation.

[1] On 9 July 2015, the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU) lodged with the Fair Work Commission (Commission) a notice and declaration setting out particulars of alterations to the rules of the CEPU – Section A (the National Rules)

[2] The particulars set out alterations to rules 7, 7A and 8 of the National Rules.

[3] The substance of the alterations have previously been set out in notices of particulars lodged by the CEPU on 17 April 2014 in matter R2014/82 and on 13 March 2015 in matter R2015/53.

[4] As set out in my decision of 7 July 2015,¹ I formally refused to certify the alterations in matter R2015/53 on the basis of my finding that the alterations had not been validly made. In that decision, I also detailed the passage of the alterations in matter R2014/82 which culminated in the decision of a Full Bench of the Commission² quashing my decision of 24 October 2014³ certifying them.

[5] The declaration of Mr Allen Hicks, National Secretary, made on 9 July 2015 and contained within the notice of particulars in accordance with regulation 126(2) of the *Fair Work (Registered Organisations) Regulations 2009* provides that the National Council made the alterations during a special meeting held by teleconference on 30 June 2015. Crucially, Mr Hicks states that, in accordance with rules 7.7 and 7.11 of the National Rules, each of the three Divisions of the CEPU was represented by a majority of its National Councillors.

[6] On the information contained in the notice, including the declaration of Mr Hicks, I am satisfied the alterations have been made under the rules of the organisation.

[7] In my opinion, the alterations comply with and are not contrary to the *Fair Work (Registered Organisations) Act 2009*, the *Fair Work Act 2009*, modern awards and enterprise agreements, and are not otherwise contrary to law. I certify accordingly under subsection 159(1) of the *Fair Work (Registered Organisations) Act 2009*.



DELEGATE OF THE GENERAL MANAGER

Endnotes:

¹ *Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia* [2015] FWCD 3710.

² *Hardisty v Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia* [2015] FWCFB 960

³ *Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia* [2014] FWCD 6659