



C.E.P.U. PLUMBING DIVISION
Communications, Electrical and Plumbing Union

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AEC Senior Returning Officer
Industrial & Commercial Elections | NSW State Office
Australian Electoral Commission
PO BOX 496 Haymarket NSW 1240

PER for CEPU Plumbing Division NSW Branch - E2018/258

I refer to the above election and your written report regarding the above election.

Section 198 of the *Fair Work (Registered Organisations) Act 2009* ("the Act") requires that if an organisation is given a Post-Election Report under s.197 of the Act that identifies a rule that was difficult to interpret or apply, the organisation must give a written response to the Australian Electoral Commission (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.

In the written report for E2018/258, the AEC identified the following rules as difficult to interpret or apply:

Rule 49.6 requires the Returning Officer to declare persons elected to office before the withdrawal period is over, if the number of nominations received does not exceed the number of offices to be filled. The usual practice is for the Returning Officer to declare results after the withdrawal period has expired.

Rule 49.16 implies that a scrutineer can observe the consideration of nomination forms, inspect and observe the form and distribution of ballot papers, AEC policy is not to disclose information regarding nomination forms prior to the closing time.

The Plumbing Division advises that it intends to take the following action regarding rules 49.6 and 49.16. With respect to rule 49.6 the Division has no issue with the practice of the AEC to declare election results after the withdrawal period has expired. With respect to rule 49.16, the Division also respects the AEC policy regarding the conduct of scrutineers.

Accordingly, the Plumbing Division advises that it intends to consider the issues raised by the AEC with respect to the rules in question at its next committee of management meeting and will advise the AEC of the outcome as soon as possible.

Yours faithfully

Gary O'Halloran
DIVISIONAL ASSISTANT SECRETARY

