



No: VID169/2015

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

ALLEN HICKS
Applicant

**COMMUNICATIONS, ELECTRICAL, ELECTRONIC, ENERGY, INFORMATION,
POSTAL, PLUMBING AND ALLIED SERVICES UNION**
Respondent

ORDER

JUDGE: JUSTICE TRACEY


DATE OF ORDER: 04 May 2015

WHERE MADE: Melbourne

THE COURT ORDERS THAT:

1. On or before 12 June 2015, the Applicant file and serve:
 - a. any further affidavits he proposes to rely upon; and
 - b. his contentions of fact and law.
2. On or before 19 June 2015 the notice appearing in Attachment A to these orders be published on the websites of each of the Communications, Electrical and Plumbing Divisions of the Respondent.
3. Any member of the Respondent who wishes to be heard in the application file an appearance in the Victorian District Registry of the Court on or before 30 June 2015.
4. The proceeding be listed for further mention on 3 July 2015.

Date that entry is stamped: 4 May 2015


Registrar



ATTACHMENT A

No. VID 169 of 2015

Federal Court of Australia

District Registry: Victoria

Division: Fair Work

Allen Hicks

Applicant

Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia

Respondent

ATTACHMENT TO THE ORDERS MADE BY THE FEDERAL COURT ON 4 MAY 2015

(The notice to be published in accordance with order 2 made 4 May 2015)

On 30 March 2015 Mr Allen Hicks made application to the Federal Court of Australia seeking orders that:

1. *A order declaring, pursuant to section 163 of the Fair Work (Registered Organisations) Act 2009 (Cth) (the Act), that rule 21.4 of the Rules (the Rules) of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU), or the Rules as a whole, contravene section 142(1)(a) of the Act in that they are contrary to, or fail to make a provision required by the Act; namely they fail to provide for the control of committees of the organisation and its branches respectively by the members of the organisation and branches.*
2. *A order declaring, pursuant to section 163 of the Act, that rule 21.4 of the Rules of the CEPU, or the Rules as a whole, contravene section 142(1)(c) of the Act in that they impose on members of the CEPU conditions, obligations or restrictions that, having regard to Parliament's intention in enacting the Act and the objects of the Act and the Fair Work Act 2009 (Cth), are oppressive, unreasonable or unjust.*
3. *Any other orders that to the court seem appropriate.*

The entire application is available here [\[hyperlink to be inserted\]](#).

The application was supported by an affidavit of Mr Allen Hicks. That affidavit, without exhibits, is available here [\[hyperlink to be inserted\]](#). A copy of the affidavit and all of its exhibits is available for inspection at the offices of Hall Payne Lawyers at ground floor, 27 Peel Street, South Brisbane, Queensland.

On 1 May 2015 the following orders were made in the application:

1. *On or before 12 June 2015 the applicant file and serve:*
 - a. *any further affidavits he proposes to rely upon; and*
 - b. *his contentions of fact and law.*
2. *On or before 19 June 2015 the notice appearing in attachment A to these orders [this notice] be published on the websites of each of the Communications, Electrical and Plumbing Divisions of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia.*
3. *Any member of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia who wishes to be heard in the application*



file an appearance in the Victorian Registry of the Federal Court of Australia before 30 June 2015.

4. *The proceeding be listed for further mention on 3 July 2015.*

The registry can be contacted by phone on (03) 8600 3333, by fax on (03) 8600 3351, or by email on vicreg@fedcourt.gov.au

A copy of the notice of appearance (for the purposes of order 3 above) is available here: [\[hyperlink to be inserted\]](#).