



DECISION

Fair Work (Registered Organisations) Act 2009
s.189—Arrangement for conduct of an election

CPSU, the Community and Public Sector Union
(E2024/22)

MR STEENSON

SYDNEY, 16 APRIL 2025

Arrangement for conduct of election.

[1] On 24 March and 14 April 2025, the New South Wales Branch (the **Branch**) of the SPSF Group of the CPSU, the Community and Public Sector Union (the **organisation**) lodged with the Fair Work Commission (the **Commission**) prescribed information for an election to fill the following offices for a new term of office:

Branch Secretary	(1)
Branch President	(1)
Branch Vice President	(3)
Branch Assistant Secretary	(1)
Delegates to Branch Council	(10)
Delegates to Federal Council (in addition to Branch Secretary and Branch Representative to Federal Executive)	(8)
Branch Representative to Federal Executive	(1)

[2] I note that the previous election (**E2020/30**) was delayed due to issues related to the Covid-19 pandemic. As a result, in order to resynchronise the SPSF Group's Federal and Branch elections, a transitional rule was inserted in the SPSF Group's rulebook enabling the next election cycle to occur in 2025.¹ The rule change had the effect of truncating the terms of office for the current Branch officers (who were elected via the late-running E2020/30) by one year. The next scheduled election for these offices is therefore due this year, with a three (3)

¹ *CPSU, the Community and Public Sector Union* [2023] FWCD 288 certified on 6 December 2023 (R2023/80).

year term of office. Under the rules, the terms of office will revert back to their original four (4) year duration from the 2028 election.

[3] Having regard to Federal Council Delegates, rule 3.2(a) of the SPSF Group rules provides that the number of Delegates required for each Branch is to be calculated based on the number of financial members within the Branch in the year preceding the election. The Branch's initial prescribed information indicates that it is entitled to ten (10) Delegates, based on its financial membership numbers as at 31 December 2024. By operation of rule 32.3(b) of the SPSF Group rules, one of the Delegate offices is to be held by the Branch Secretary, and another by the Branch Representative to the Federal Executive. As a result, an election is only required for the remaining eight (8) Delegate offices.

[4] I further note that Rule 5.2 of the Branch rules operates to reserve a number of Delegates to Branch Council offices for members who work in the sectors of Higher Education, School Education and Health, as well as for members who are women and men. The numbers of reserved positions is to be calculated by applying the formula in sub-rules 5.2(b) and (d).

[5] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



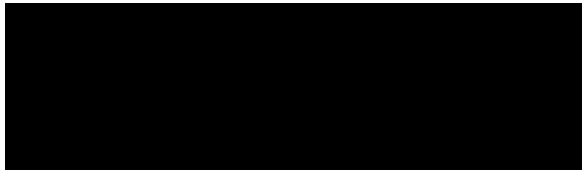
DELEGATE OF THE GENERAL MANAGER

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OFFICIAL



I write to confirm the following:

1. The CPSU NSW Branch financial membership as at 31 December 2024 was more than 35,000 and less than 39,000. According to Chapter C Rule 3.2 (a) the Branch is therefore entitled to 10 (ten) Federal Council Delegates;
2. Chapter C Rule 32.2 (b) determines that one Federal Council Delegate position in each Branch will be held ex-officio by the Branch Secretary and one Federal Council Delegate position in each Branch will be held ex-officio by the Branch Representative to the Federal Executive, with the remainder to be elected as Federal Council Delegates;
3. This means that in the NSW Branch Prescribed Information at Annexure A where it states the number of Delegates to Federal Council required is 10 that only 8 are required to be elected as the other 2 positions are filled ex-officio by the elected Branch Secretary and the Branch Representative to Federal Executive.

I hope that clarifies the situation. Please call me if you require anything further.

Yours,

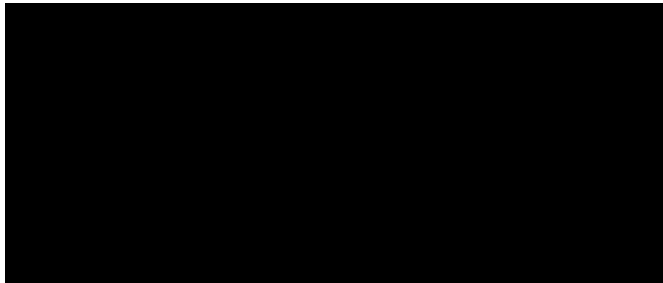
Tom Lynch

Federal President

CPSU (SPSF Group)

Joint National President

Community & Public Sector Union



PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009

I, STEWART LITTLE, being the BRANCH SECRETARY of the COMMUNITY AND PUBLIC SECTOR UNION/SPSF GROUP NEW SOUTH WALES BRANCH make the following statement:

1. I am authorised to sign this statement containing prescribed information for COMMUNITY AND PUBLIC SECTOR UNION/SPSF GROUP NEW SOUTH WALES BRANCH.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. This statement IS lodged at least 2 months before nominations open for the election(s) in Annexure A.
5. There are two sets of Rules that govern elections in the CPSU- NSW Branch
 - a) CPSU- SPSF Group Chapter C (Federal Office) (*Group Rules*)
 - b) CPSU Rules Chapter C - SPSF Group NSW Branch (*Branch Rules*)
6. Rule alterations to the Branch Rules were lodged late last year to alter the conduct of the election. A brief outline of the proposed rule alterations affecting this election is attached, essentially to utilise the Team Voting (electoral groups or ticket voting) provisions of the Group Rules for Branch Councillors and Vice President positions. These rule alterations were accepted by the Fair Work Commission. Please refer to the Decision [Ref No. R2024/176].
7. The references to the positions of the Branch are contained in Branch Rules at Rules 5.1 and 6.
8. If the number of elected representatives is calculated as per Branch Rules current rules, there shall be an election for the following positions-
Rule 5.1- the Branch Officers and ten (10) Delegates to Branch Council, and
Rule 6- the Branch Officers are: Branch President (1) , Branch Vice Presidents (3), Branch Secretary (1) and Branch Assistant Secretary (1).
9. The election of the Delegates to Branch Council and of Branch Officers is by direct election.
Group Rules- Rule 19.1
10. The election of the Federal Councillors and Branch Representative to Federal Executive, is by collegiate vote as per Group Rules- Part 3C

11. The formula for reserved positions (Delegates to Branch Council) in CPSU Rules Chapter C - SPSF Group NSW Branch current rules- 5.2

5.2 Reserved positions

(a) Sectors

Delegates to Branch Council shall comprise a number of positions of Delegates reserved for members who work in:

- (i) Higher Education,*
- (ii) School Education, and*
- (iii) Health.*

(b) *Each of the numbers of reserved positions in **Rule 5.2(a)** shall be calculated by multiplying twice the number of financial members in the class concerned by the number of Delegates of the Branch Council and dividing the result by three times the number of financial members in the Branch.*

(c) Women and men

A number of positions of Delegate to Branch Council shall be reserved for women and a number reserved for men.

(d) *Each of the numbers of reserved positions in **Rule 5.2(c)** shall be calculated by multiplying twice the number of financial members who are women or men, as the case may be, by the number of Delegates to the Branch Council and dividing the result by three times the number of financial members in the Branch.*

(e) Method of calculation

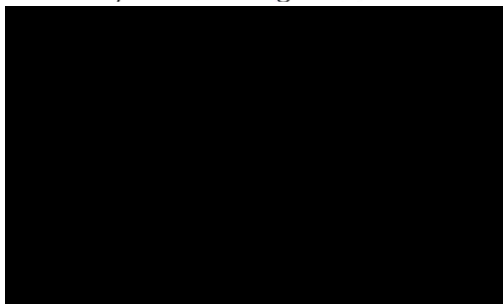
(i) *In any of the above calculations any fractional remainder shall be disregarded. If the result of the calculation is zero then the number of reserved positions shall be one.*

(ii) *If in any election the number of members nominated from any of the classes for which a position is reserved is less than its number of reserved positions then for the purpose of that election the number of reserved positions shall be equal to the number of members nominated from the class.*

12. The formula for calculating the number of Federal Council Delegates is determined in accordance with the Group Rules – Rule 3.2 and will be elected by collegiate election at the first meeting after the declaration of the Federal Secretary (See separate Prescribed Information for the CPSU – SPSF Group) as per rule 32.3.
13. The relevant date(s) for provision of this information shall be no later than 31 March 2025 as per Rule 19.1b CPSU SPSF Group Rules.
14. The relevant date for the closing of the roll is 7 days prior to opening of nominations as per Rule 17.2 e CPSU SPSF Group Rules.

15. Please note that Rule changes in December 2023 to the Group Rules have brought CPSU elections back into the same schedule (see Rule 66), including slightly truncated terms up to 2028 election cycle, elections that had been disrupted due to the returning officer (AEC) being unable to complete all elections in a timely manner during the COVID pandemic. This will be a three year term.
16. The timing of this election will have a bearing on timing of prospective federal officer elections.
17. Due to the timing of the Commonwealth Government election coinciding with the CPSU elections, we have provided the timing to be determined by the returning officer in order to assist in the completion and assist with greater turnout of our election. It is our submission that in order to undertake this election and ensure greater member participation that it may be appropriate to timetable any ballot after the Commonwealth Government election.
18. It should be noted that previous election E2020-30
- was finally declared on the 18 of February 2022
 - the direct election component declared on 1 July 2022, and
 - the collegiate election component declared on 3 of February 2022
 - Rule changes were certified in December 2023 altering the timetable of the CPSU Branch elections and the term proposed by this election
19. The CPSU submits that we are compliant with our rules and statutory obligations regarding term of office, with the submitting of this Prescribed Information by 31 March, regardless of matters out of our control, such as the Commonwealth Government election, which may affect when the conduct and timing of the CPSU election by the returning officer.

Signed:



Stewart Little, Branch Secretary

Dated: 24 March 2025

NOTE: This statement should be lodged with the Fair Work Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@fwc.gov.au.

Annexure A

- Elections that are required [insert as many pages as required]

Branch	Name of Office	Number required	Voting System Direct voting system; Collegiate electoral system	Reason for Election Scheduled; Casual vacancy; New office created; Insufficient nominations	Electorate
CPSU SPSF Group NSW Branch	Branch Secretary	1	Direct Voting System	Scheduled	Entire Membership of Branch
CPSU SPSF Group NSW Branch	Branch President	1	Direct Voting System	Scheduled	Entire Membership of Branch
CPSU SPSF Group NSW Branch	Branch Vice President	3	Direct Voting System	Scheduled	Entire Membership of Branch
CPSU SPSF Group NSW Branch	Branch Assistant Secretary	1	Direct Voting System	Scheduled	Entire Membership of Branch
CPSU SPSF Group NSW Branch	Delegates to Branch Council	10	Direct Voting System	Scheduled	Entire Membership of Branch
CPSU SPSF Group NSW Branch	Delegates to Federal Council	10	Collegiate	Scheduled	Branch Council and Branch Officers
CPSU SPSF Group NSW Branch	Branch Rep to Federal Executive	1	Collegiate	Scheduled	Branch Council and Branch Officers

Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by the returning officer but must be open for at least 14 days. Chapter C Part 3B Rule 19.1	To be determined by the returning officer Chapter C Part 3B Rule 32.2
Nominations CLOSE	To be determined by the returning officer but must be open for at least 14 days. Chapter C Part 3B Rule 19.2	To be determined by the returning officer Chapter C Part 3B Rule 32.2
Roll of Voters cut off date	To be determined by the returning officer but must be 7 days before the day on which nominations open Chapter C Part 3B Rule 25.1 (c)	A person is eligible to vote if, on the day of the meeting, they are a member of the relevant electorate. Chapter C Part 3B Rule 37.1 (a)