



26 March 2019

Mr Stewart Calder-Little
Secretary
CPSU, the Community and Public Sector Union-SPSF Group, New South Wales Branch
psa@psa.asn.au

Dear Mr Calder-Little,

cc: kathryn.landsberry@cpsu.org.au

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of stage 1 and 2 uncontested offices for SPSF NSW Branch [E2018/224]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must, as soon as practicable after receiving the post-election report, publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

Holders of office required to undertake approved training

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which are provided for in the RO Act.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the CPSU, the Community and Public Sector Union-SPSF Group, New South Wales Branch must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.

2. Person(s) who have commenced to hold office:
 - the name of the office now held;
 - the date of the change of office holder;
 - the name of the person now holding the office;

- the postal address of the person (generally the postal address of the organisation); and
- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

Christine Hibberd
Registered Organisations Commission

12 March 2019

Post-election report

**CPSU, the Community and Public Sector
Union SPSF Group, New South Wales -
Insufficient Nominations Election: E2018/224**

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Election(s) Covered in this Report

Organisation: CPSU SPSF Group, New South Wales
Election Decision Number(s): E2018/224

Rules

Rules used for the election: 090V-SPSF: Incorporates alterations of 12/04/2018] [R2017/270] (replaces rulebook dated 23/12/2015 [R2015/253])

Rules difficult to apply/interpret: None

Model Rule reference (if any): None

For more details see the Model Rules on the AEC website:

https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: None

Other Matters

Returning Officer actions required (Section 193): None

Signed



Noopur Madan
Returning Officer
Australian Electoral Commission
E: nswelections@aec.gov.au
P: 02 9375 6321
12 March 2019

Attachments

- 1) Declaration of Results for Uncontested Offices –CPSU SPSF NSW – Sub Branch No 1 – E2018/224 Stage 1
- 2) Declaration of Results for Uncontested Offices –CPSU SPSF NSW – Sub Branch No 1 – E2018/224 Stage 2

CPSU, the Community and Public Sector Union
SPSF Group, New South Wales
DECLARATION OF RESULTS - E2018/224 - Stage 2
Uncontested Offices

Insufficient Nominations Election

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

CPSU SPSF New South Wales - Branch Council

Federal Council Delegate (1)

Candidates

MILLING Dennis

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.



Noopur Madan
Returning Officer
Telephone: 02 9375 6321
Email: nswelections@aec.gov.au
12/03/2019



CPSU, the Community and Public Sector Union
SPSF Group, New South Wales
DECLARATION OF RESULTS - E2018/224 - Stage 1
Uncontested Offices

Insufficient Nominations Election

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

CPSU SPSF Group NSW Branch - Sub Branch No 1

Branch Assistant Secretary Sub Branch No. 1 (1)

Candidates

MILLING Dennis

Delegate to Branch Council (3)

Candidates

BELL Howard

EMERY Susan

LOCKERIDGE Tod

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.



Noopur Madan
Returning Officer
Telephone: 02 9375 6321
Email: nswelections@aec.gov.au
12/02/2019



DECISION

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

CPSU, the Community and Public Sector Union
(E2018/224)

MR ENRIGHT

MELBOURNE, 28 NOVEMBER 2018

Arrangement for conduct of election.

[1] On 16 October 2018 the New South Wales Branch of the SPSF Group of the CPSU, the Community and Public Sector Union lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices, due to insufficient nominations received in a previous election (**E2016/72**):

Branch Assistant Secretary Sub Branch No 1

Delegates to Branch council (3)

Federal Council Delegate

[2] 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 COMMISSIONER

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COMMUNITY AND PUBLIC
SECTOR UNION

SPSF GROUP NSW BRANCH
ABN 11 681 811 732

ST:lt

16 October 2018

by email: chris.enright@roc.gov.au
regorgs@roc.gov.au

Mr Chris Enright
Delegate of the Registered Organisations Commissioner
Registered Organisations Commission
414 Latrobe Street,
Melbourne Victoria 3000

Dear Mr Enright

S189 Notice of prescribed information for an election in Sub-Branch No 1 of the NSW Branch of the CPSU (SPSF)

I attach a notice of prescribed information for an election in the sub-branch following a failure of any Sub-Branch members to nominate for any of these positions in the Branch elections in 2016.

I also attach the Post Election Report for the 2016 Branch election in E2016/72 which includes the declaration of results.

The recent history of the sub-branch

I became Branch Secretary following a casual vacancy election declared in 2017. The sub-branch currently has around 300 members and is inactive. It has been inactive since before I held this office.

We have recently examined our files relevant to the sub-branch. We have discovered two letters both dated 29 October 2015 from David Griffith, the then Assistant Secretary of the Sub-Branch, to Anne Gardiner (my predecessor in the role as General Secretary of the PSANSW) and John Cahill (my predecessor in the role of Branch Secretary). I attach copies of both those letters.

160 Clarence Street, Sydney NSW 2000 T 1300 772 679 W www.psa.asn.au
GPO Box 3365, Sydney NSW 2001 F (02) 9262 1623 E cpsu.nsw@psa.asn.au

The CPSU NSW is the Federal Counterpart of the Public Service Association of NSW. CPSU NSW members are also members of the PSA.

Essentially the letters state at the 2015 AGM of the Sub-Branch, it passed a resolution as follows:

“The Sub-Branch write to the CPSU (SPSF) NSW Branch Secretary to inform him that the sub-branch intends to dissolve at the 2016 AGM. We seek that the CPSU (SPSF) NSW Branch makes all the relevant rule changes and processes in order for the dissolution to occur”

Some time prior to the 2016 elections all officers of the sub-branch resigned. Research I have requested informs me that no steps were taken to amend the rules to remove the sub-branch before I became elected.

In the 2016 election no nominations were received for any of the offices of the sub-branch.

The absence of any sub-branch officers creates a problem for the removal of the sub-branch. The NSW Branch rules contain a quorum requirement in Rule 5G of the NSW Branch rules that “two delegates who are sub-branch members” are required to vote “in relation to any business before the Branch Council raised by or relating to the affairs of the sub-branch”

For the last few months we have sought legal advice from our Federal Office and from our external lawyers concerning methods to remove the sub-branch and incorporate the 300 members into the Branch proper. The State entity has operated in this manner for many years.

Our lawyers have given consideration to making an application under s323 of the *Fair Work (Registered Organisations) Act 2009* to seek orders for a declaration that the sub-branch has “ceased to function effectively and there are no means” under the Branch rules by which it can be removed.

We have been advised that, before we can make such an application, we must call an election for the sub-branch positions and seek nominations. We are also advised that, in our call for nominations, we should advise the sub-branch members that we will make the application under s323 should no nominations be received.

Should sub-branch members nominate and an election be held, then the special quorum is possible and we can use it to amend the rules to remove references to the sub-branch.

This is the context in which we wish to fill the sub-branch positions by an election.

Next steps

I would be grateful if you could process this prescribed notice of information and, should you be satisfied that the election is required to be held, to arrange for the AEC to conduct the elections.

If you wish to discuss these matters with me please do so on (02) 92200982. Alternatively, please contact Mark Perica, the Senior Legal Officer of the CPSU (SPSF) on mperica@spsf.asn.au or 0408 129 965

Yours Sincerely

A handwritten signature in blue ink, appearing to read 'Stewart Little', with a stylized flourish at the end.

Stewart Little
NSW Branch Secretary
CPSU (SPSF)

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 New South Wales Branch of the CPSU(SPSF) make the following statement:

1. I am authorised to sign this statement containing prescribed information for the New South Wales Branch of the CPSU(SPSF)
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. Insufficient nominations were received in the 2016 election and the declaration of results is attached.



Signed: Stewart Little

Dated: 16 October 2018

[PLEASE NOTE: This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@roc.gov.au.]

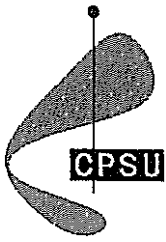
ANNEXURE A

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

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
			<i>Direct voting system; Collegiate electoral system</i>	<i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	
...					
NSW	Branch Assistant Secretary Sub Branch No 1	1	DVS	No nomination	All members allocated to Sub-Branch No 1 [Rule 6(v) of the CPSU(SPSF) NSW Branch rules]
	Delegates to Branch Council	3	DVS	No Nominations	All members allocated to Sub- Branch No 1 [Rule 14E(i) of the CPSU(SPSF) NSW Branch rules]
...	Federal Council Delegate	1	Collegiate	No Nomination	Members of the Branch Council who are members of the Sub-Branch No 1 [Rule 3.2(b) of Chapter C]

- Important dates:

	Direct Voting System	Collegiate Voting System
Nominations OPEN	To be determined by the Returning Officer	The collegiate election is to be conducted at the first meeting of the Branch Council this election (Chapter C Rule 32]
Nominations CLOSE	To be determined by the Returning Officer	The collegiate election is to be conducted at the first meeting of the Branch Council following this election (Chapter C Rule 32]
Roll of Voters cut off date	No earlier than seven days and no later than 30 days before the day on which nominations open under Rule 25.1(c) of the Chapter C rules	The position is elected by the sub-branch members on the Branch Council



COMMUNITY & PUBLIC SECTOR UNION- SPSF GROUP
NSW SUB-BRANCH NO1

160 Clarence Street
Sydney NSW

President : David Griffin
Secretary : Ron Davis

29th October 2015

Anne Gardiner
General Secretary
Public Service Association
GPO Box 3365
Sydney NSW 2001

Dear Anne,

I write to you to inform you of a motion passed at the last AGM of the Sub-Branch {Professional Officers Association (POA) advisory body} held on the 15th June 2015.

The following motion was passed:

“That the sub-branch write to the CPSU (SPSF) NSW Branch Secretary to inform him that the sub-branch intends to dissolve at the 2016 AGM.
We seek that CPSU (SPSF) NSW Branch make all relevant rule changes and processes in order for the dissolution to occur.”

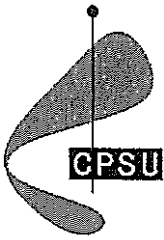
I have written to John Cahill, NSW CPSU Branch Secretary, informing him of this decision. As Secretary of our associated body, the Sub-Branch wishes to let you know of this decision. As an advisory body of the PSA and supported by the PSA, we feel this should be conveyed to the PSA as a separate letter rather than a cc of the letter to the Branch Secretary. We wish to thank the PSA for the support it has given us over the years since the amalgamation of the associated bodies, PSA and POA. This has more than adequately fulfilled the terms of the amalgamation. The POA, or parts of it, have now reached our centenary this year, which is an achievement in its own right. The decision has been a while coming and has been discussed over the last few years. With the elections of both the PSA and the CPSU NSW Branch coming up next year, we feel that this will be the neatest way to resolve the dissolution.

Once again thanking the PSA for your support.

Yours Fraternally,

David Griffin

President



COMMUNITY & PUBLIC SECTOR UNION- SPSF GROUP
NSW SUB-BRANCH NO1

160 Clarence Street
Sydney NSW

President : David Griffin
Secretary : Ron Davis

29th October 2015

John Cahill
Secretary
NSW Branch CPSU (SPSF Group)
160 Clarence Street
Sydney NSW 2001

Dear John,

I write to you to inform you of a motion passed at the last AGM of the Sub-Branch {Professional Officers Association (POA) advisory body} held on the 15th June 2015. The following motion was passed:

“That the sub-branch write to the CPSU (SPSF) NSW Branch Secretary to inform him that the Sub-Branch intends to dissolve at the 2016 AGM.

We seek that CPSU (SPSF) NSW Branch make all relevant rule changes and processes in order for the dissolution to occur.”

The Secretary, Ron Davis, has already informed you of this decision so that the NSW Branch can start the process. I am also writing to Anne Gardiner, PSA General Secretary, informing her of this decision as Secretary of our associated body. As an advisory body of the PSA and supported by the PSA, we feel this should be conveyed to the PSA as a separate letter rather than a cc of this letter to you as the NSW Branch Secretary. We thanked the PSA for the support it has given us over the years since the amalgamation of the associated bodies, PSA and POA. This has more than adequately fulfilled the terms of the amalgamation. The decision has been a while coming and has been discussed over the last few years. With the elections of both the PSA and the CPSU NSW Branch coming up next year, we feel that this will be the neatest way to resolve the dissolution. Also with the limitations of membership of the Sub-Branch and retirement of Councillors, we feel that this now is the right time. The POA, or parts of it, have now reached our centenary this year, which is an achievement in its own right. The future of the Branch is becoming more important and with further regulations being forced upon it, we hope with our dissolution this will assist the Branch. All the best to the Branch in the future and may it continue to protect its members with rights and conditions. As only four members of the NSW Branch, we once again thank the Branch for your support.

Yours Fraternally,

David Griffin

President