

18 February 2022

Post-election report

The Community and Public Sector Union
SPSF Group - New South Wales Branch
Scheduled election
E2020/30

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Election(s) Covered in this Report

Organisation: CPSU - SPSF Group New South Wales Branch

Election: Scheduled

Election Decision No/s: E2020/30

Rules

Rules used for the election: [090V-SPSF: Incorporates alterations of 27/03/2019] [R2018/316]
(replaces rulebook dated 12/04/2018 [R2017/270])

Rules difficult to apply/interpret: No

Roll of Voters

Based on an analysis of the register of members the Returning Officer has formed the opinion that:

- There were no concerns in the construction of the Roll of Voters
- There are no concerns in the data provided by the organisation

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

- Deviation from rules regarding dates/timeline and method of lodgement of nominations due to COVID-19 pandemic.
Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.
- Rules requiring an in-person ballot were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for all stakeholders to attend. Instead the ballot was conducted via post.

Signed

Olivia Lee
Returning Officer
Australian Electoral Commission
E: iebevents@aec.gov.au
P: 02 9375 6360
18 February 2022

Catherine Bernoth was Returning Officer for Stage 1

Attachments

- A. Declaration of Results for Contested Offices / Uncontested Offices – Stage 1
- B. Declaration of Results for Contested Offices – Stage 2

CPSU, the Community and Public Sector Union
SPSF Group, New South Wales Branch
DECLARATION OF RESULTS - E2020/30 - Stage 1
Contested Offices

Scheduled 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 New South Wales Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	36,968
Number of voters issued with voting material	36,968
Total number of voters issued with replacement voting material	2
Total number of voting material packs issued	36,970
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	2,583
Number of declaration envelopes rejected at preliminary scrutiny (minus)	22
Number of ballot papers returned outside declaration envelopes (minus)	27
COUNT	
Total ballot papers admitted to the count	2,534
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	727
Voting material packs not returned by voters by closing date of the ballot	33,660
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	7 %

Branch President (1)

Candidates

JESS, Nicole

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

Branch Vice Presidents (3)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
SIZER, Juliette	431	596
HARTMANN, Janice	408	*Excluded
SMOOTHY, Rachel	564	611
O'BRIEN, Steve	545	611
ODEWAHN, Shelley	494	600

Total ballot papers admitted for this office	2,534
Formal Ballot papers	2,442
Informal Ballot papers	92

I declare the following elected:

- O'BRIEN, Steve
- ODEWAHN, Shelley
- SMOOTHY, Rachel

Branch Secretary (1)

Candidates

LITTLE, Stewart

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

Branch Assistant Secretary (1)

Candidates

WRIGHT, Troy

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

Delegates to Branch Council (10)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
GREENWOOD, Judy	324	218
SMITH, Leanne	133	218
KIRBY, Ed	198	218
MCKELVIE, Kylie	383	218
O'BRIEN, Steve	*Excluded	0
PENDLEBURY, Scott	110	259
MORATELLI, John	83	Excluded
SMOOTHY, Rachel	*Excluded	0
NIEASS, Joanne	328	218
WESTACOTT, Julieanne	103	220
CHAUHAN, Gagandeep Singh	77	Excluded
SHIELDS, Heather	47	Excluded
NOGUÉS, Anabel	63	276
NASH, Kathy	64	Excluded
DOWN, Brook	53	223
CHARLTON, Jason	173	218
WILLIAMS, John	50	Excluded
DENT, Faith	46	Excluded
SHAW, Rachael	72	Excluded
STANFORD, Lee-Anne	84	Excluded

Total ballot papers admitted for this office	2,534
Formal Ballot papers	2,391
Informal Ballot papers	143
Exhausted Votes	56

I declare the following elected:

- CHARLTON, Jason

- DOWN, Brook
- GREENWOOD, Judy
- KIRBY, Ed
- MCKELVIE, Kylie
- NIEASS, Joanne
- NOGUÉS, Anabel
- PENDLEBURY, Scott
- SMITH, Leanne
- WESTACOTT, Julieanne

*Excluded as previously elected to higher office.

Catherine Bernoth
Returning Officer
Telephone: 02 9375 6375
Email: IEBevents@aec.gov.au
01/07/2021



CPSU, the Community and Public Sector Union
SPSF Group New South Wales Branch
DECLARATION OF RESULTS - E2020/30 - Stage 2
Contested Offices

Scheduled 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:

Branch Council

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	14
Number of voters issued with voting material	14
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	14
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	11
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	11
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	0
Voting material packs not returned by voters by closing date of the ballot	3
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	78 %

Branch Delegate to Federal Council (9*)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
CHARLTON, Jason	0	2
JESS, Nicole	8	2
O'BRIEN, Steve	1	1
SMITH, Leanne	0	Excluded
ODEWAHN, Shelley	0	2
SMOOTHY, Rachel	1	1
PENDLEBURY, Scott	0	0
WRIGHT, Troy	0	2
WESTACOTT, Julie	0	0
DOWN, Brook	1	1

* One Federal Council Delegate position will be reserved for the Branch Secretary.

Total ballot papers admitted for this office	11
Formal Ballot papers	11
Informal Ballot papers	0

I declare the following elected:	Order Elected
• CHARLTON, Jason	4
• JESS, Nicole	1
• O'BRIEN, Steve	5
• ODEWAHN, Shelley	3
• SMOOTHY, Rachel	5
• PENDLEBURY, Scott	5
• WRIGHT, Troy	2
• WESTACOTT, Julie	5
• DOWN, Brook	5

Branch Delegate to Federal Council/Branch Representative to Federal Executive (1)

<u>Candidates</u>	<u>Final Votes</u>
O'BRIEN, Steve	2
WRIGHT, Troy	9

Total ballot papers admitted for this office	11
Formal Ballot papers	11
Informal Ballot papers	0

I declare the following elected:

- WRIGHT, Troy

Olivia Lee
 Returning Officer
 Telephone: 02 9375 6360
 Email: iebevents@aec.gov.au
 03/02/2022



DECISION

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

CPSU, the Community and Public Sector Union
(E2020/30)

MR ENRIGHT

MELBOURNE, 19 MARCH 2020

Arrangement for conduct of election.

[1] On 17 February 2020 the CPSU, the Community and Public Sector Union-SPSF Group, New South Wales Branch lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Branch President	(1)
Branch Vice President	(3)
Branch Secretary	(1)
Branch Assistant Secretary	(1)
Delegate to Branch Council	(10)
Branch Delegate to Federal Council	(10)
Branch Representative to Federal Executive	(1)

[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

Printed by authority of the Commonwealth Government Printer

PR351601

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 *CPSU, 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 *CPSU, the 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. A brief outline of the proposed rule alterations affecting this election is attached in Annexure B. These rule alterations have been lodged with the Fair Work Commission. The proposed alterations were lodged on 9 December 2019 [*Matter No. R2019/154*].
5. This statement is lodged at least 2 months before nominations open for the elections in Annexure A.
6. Formulas exist to calculate the number of elected representatives. There are three sets of Rules that govern these elections which are *CPSU, the Community and Public Sector Union Chapter A* (hereafter called “Chapter A National Rules”) [R2019/49], *CPSU, the Community and Public Sector Union Chapter C – SPSF Group Rules* [R2018/316] (hereafter called “Chapter C Federal Rules”) and *CPSU, the Community and Public Sector Union Chapter C – SPSF Group New South Wales Branch Rules* [R2019/48] (hereafter called “NSW Branch Rules”).
 - a. The rule numbers which specifies the formulas are:
 - a. (Chapter A National Rules) 14 National Officers Committee (NOC)
 - b. (Chapter C Federal Rules) 3.2 Federal Council Delegates
 - c. (Chapter C Federal Rules) 7.1 Branch Council – Constitution
 - d. (Chapter C Federal Rules) 32.2 Federal Council Delegates and Branch Representative to Federal Executive
 - e. (NSW Rules) 5 Constitution of Branch Council, in particular
 - i. (NSW Rules) 5.2 Reserved Positions;
 - ii. (NSW Rules) 5.3 Financial members
 - f. (NSW Rules) 3.5 Higher Education member;
 - g. (NSW Rules) 3.6 Health member;
 - h. (NSW Rules) 3.7 School Education member.

b. The formulas are:

Table 1 - Federal Rule Formulas

<u>From Chapter A National Rules</u>	
14 - NATIONAL OFFICERS COMMITTEE (NOC)	
(a) There shall be a National Officers Committee (NOC) which will be the National Committee of Management of the Union.	
(b) The NOC shall consist of persons, who shall hold office as members of the NOC ex officio as follows	
<u>PSU GROUP POSITION</u>	<u>NOC POSITION</u>
National Secretary	Joint National Secretary
National President	Joint National President
Deputy National President	NOC Member
Assistant National Secretary	NOC Member
<u>SPSF GROUP POSITION</u>	<u>NOC POSITION</u>
Federal Secretary	Joint National Secretary
Federal President	Joint National President
Senior Federal Vice President	NOC Member
Federal Vice President	NOC Member
<u>From Chapter C Federal Rules</u>	
32.2 Federal Council Delegates and Branch Representative to Federal Executive	
...	
(b) The number of Federal Council Delegates is determined in accordance with the formula in Rule 3.2 ;	
(i) One Federal Council Delegate position will be reserved for the Branch Secretary.	
(ii) One Federal Council Delegate position will be elected as Branch Representative to the Federal Executive.	
(iii) The remainder will be elected as Delegates to Federal Council.	
3.2 Federal Council Delegates	
(a) The number of Federal Council Delegates elected from each Branch will be determined according to the following:	
Number of financial members in the Branch as at 31 December of the year preceding the election of Federal Council delegates	Number of delegates to be elected
Less than 10,000	4
10,000 – 14,999	5
15,000 – 19,999	6
20,000 – 24,999	7
25,000 – 29,999	8
30,000 – 34,999	9
35,000 – 39,999	10
40,000 – 44,999	11

45,000 or more	12
<p>(b) One Delegate from the New South Wales Branch shall be elected by and from the Branch Council who are members of New South Wales Special Sub-Branch.</p> <p>(c) All other Delegates shall be elected by and from members of the Branch Council, excluding members of a special Sub-Branch,</p> <p>(d) Branch rules may provide that Delegate positions are reserved for particular classes of members.</p> <p>(e) If in any election no member is nominated from any of the reserved classes then for the purposes of that election there shall be no reserved positions for that class</p>	
<p>7.1 Branch Council - Constitution</p> <p>(a) Each Branch Council shall consist of</p> <ul style="list-style-type: none"> (i) The Branch Officers and Delegates to the Branch Council. (ii) Branch rules may specify the number of Delegates to the Branch Council or a Branch Representation Quota. (iii) If the Branch Rules do not provide for either the number of delegates to the Branch Council or a Branch Representation Quota the quota shall be 500 branch members or part of it. 	
<p>(b) Branch electorates</p> <ul style="list-style-type: none"> (i) Branch rules may provide that the financial members of the Branch shall be allocated to one or more electorates for the purpose of electing the Delegates to the Branch Council. (ii) Every financial member shall be included in only one electorate. (iii) The rules of a Branch may define, or provide the means of defining, the electorates, including minimum size. An electorate shall not be established with less than the minimum size. (iv) The rules of the Branch shall provide a means of reviewing or redefining electorates if they fall below the minimum size. 	
<p>(c) Reserved positions – Women and Men</p> <p>Branch rules may provide that a number of positions of Delegate to Branch Council shall be reserved for women and a number reserved for men in each electorate.</p>	
<p>(d) Branch financial membership determination</p> <ul style="list-style-type: none"> (i) In this rule a reference to "financial members" is a reference to financial members as at 31st December in the year preceding an election. (ii) A Branch Secretary may as soon as practicable after the 31st December in each year but no later than the 28th February of the next year provide to a meeting of the Branch Council a report on membership as at the 31st December of that year showing the number of financial members in the Branch in each electorate and in each class of members relevant to determining any matter under this rule. If such report is provided it shall be conclusive of the number of financial members and their disposition. (iii) The disposition of financial members into a class of members relevant to determining any matter under this rule shall be determined by the Branch Secretary by reference to the membership and subscription records held by the Branch or Associated Body as the case may be. The membership and subscription records are deemed to be conclusive as to the disposition of financial members. Where a member may be in more than one class of members relevant to determining any matter under this rule the Branch Secretary shall determine the disposition of the member. 	

(iv) Any report provided under this subrule shall be forwarded by the Branch Secretary to the Federal Secretary.

Table 2 - NSW Branch Rule Formulas

From NSW Branch Rules

5 - CONSTITUTION OF BRANCH COUNCIL

5.1 Composition

Branch Council shall consist of:

- (a) the Branch Officers;
- (b) 10 Delegates to the Branch Council

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 to Delegates of the Branch Council.

(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

5.3 Financial members

- (a) In this rule a reference to "financial members" is a reference to financial members as at 31st December in the year preceding an election.
- (b) Rule 7.1(d) of Chapter C of the Federal Rules applies to financial membership of the branch for determination of reserved positions.

3.5 Higher Education member means a member employed:

- (a) in or by a University, College of Advanced Education,

- (b) a Department of Technical and Further Education,
- (c) a College or Institute of Technical and Further Education or
- (d) are employed in or by any department, or part of a department or by any employer which a resolution of the Branch Council declared to be a Higher Education Body.

3.6 Health member means a member employed:

- (a) in or by a public hospital, private hospital or
- (b) other private health service, nursing home, public dental clinic, area health service or
- (c) community health service or
- (d) facility providing ancillary patient services as determined by Branch Council, or
- (e) in or by any department, or part of a department or by any employer which a resolution of the Branch Council declares to be a Health Services Body.

3.7 School Education member means

(a) a member employed in the Department of School Education or by the Director-General of School Education or are employed in or by any department, or part of a department or by any employer which a resolution of the Branch Council declares to be a School Education Body.

Table 3 - Notes for Tables 1-2

PLEASE NOTE:

Rules (NSW Rules) 5.2(b), 3.6 and 3.7 are the subject of an Application to change the Branch Rules currently with the FWC.

1. Rule 3.7 – most of the changes are formatting only, no change to the substance
2. Rule 5.2(b) – the changes are to the formula, which is meant to be the same as Rule 5.2(d).
For both of the Rules, 5.2(b) and 5.2(d), the correct formula is:
 - (a) Each of the numbers of reserved positions in *[Rule 5.2(a); OR Rule 5.2(c)]* shall be calculated by multiplying twice the number of financial members *[(5.2(a)) in the class concerned; OR(5.2(d)) 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.
3. The only difference between the two is those in italics, which refers to the 'class' of member or gender, depending on which rule. The calculation itself is (or should be) the same.
4. Rule 3.6 has the initial wording changed to add "Services" after Health and before member so that it read "Health Services member".

Pending approval from the Fair Work Commission:

Rule 5.2 (c) should read:

- (a) *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 to Delegates of the Branch Council and dividing the result by three times the number of financial members in the Branch.

Rule 3.7(a) should read:

3.7 School Education member means a member employed:

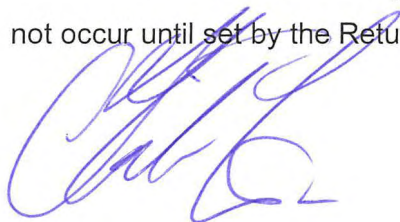
- (b) *in the Department of School Education or*
- (c) *by the Director-General of School Education or*
- (d) *are employed in or by any department, or part of a department or by any employer which a resolution of the Branch Council declares to be a School Education Body.*

The start of Rule 3.6 should read:

3.6 Health Services member means a member employed:

- c. The information for calculating the formulas is
 - a. the number of financial members in Higher Education,
 - b. the number of financial members in Health,
 - c. the number of financial members in Schools,
 - d. the total number of financial members,
 - e. the number of financial members who are women,
 - f. the number of financial members who are men, and
 - g. the number of Delegates to Branch Councilon the close of the roll, being a future date so they are unable to be determined right now.
- d. The relevant dates for this information is to be set by the Returning Officer.
- e. For the “Delegate to Branch Council” Offices, the relevant information for calculating the information has not been provided because the Close of the Roll of Voters does not occur until set by the Returning Officer.

Signed:



Dated:

17 - 2 - 2020

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

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
NSW Branch	Branch Secretary	1	Direct Voting System	Scheduled	<i>Branch Members Chapter C Federal Rules, Rule 15.1(b) Rule 19.1(a)(i) Rule 20.2 Rule 20.11 Rule 25.1</i>
NSW Branch	Branch Assistant Secretary	1	Direct Voting System	Scheduled	<i>Branch Members Chapter C Federal Rules, Rule 15.1(b) Rule 19.1(a)(ii) Rule 20.3 Rule 20.11 Rule 25.1</i>
NSW Branch	Branch President	1	Direct Voting System	Scheduled	<i>Branch Members Chapter C Federal Rules, Rule 15.1(c) Rule 19.1(a)(iv) Rule 20.6 Rule 20.11 Rule 25.1</i>
NSW Branch	Branch Vice President	3	Direct Voting System	Scheduled	<i>Branch Members Chapter C Federal Rules, Rule 15.1(c) Rule 15.1(b) Rule 19.1(a)(v) Rule 20.7 Rule 20.11 Rule 25.1</i>

NSW Branch	Delegate to Branch Council	10	Direct Voting System	Scheduled	<i>Branch Council Chapter C Federal Rules, Rule 15.1(b) Rule 15.1(b) Rule 19.1(a)(iii) Rule 20.5 Rule 20.11 Rule 25.1 With reserved positions for certain sectors and for gender.</i>
SPSF Group Federal Council	Branch Delegate to Federal Council	10	Collegiate electoral system	Scheduled	Branch Council Chapter C Federal Rules, Rule 33.2 With one reserved for the Branch Secretary
SPSF Group Federal Council	Branch Representative to Federal Executive	1	Collegiate electoral system	Scheduled	Branch Council Chapter C Federal Rules, Rule 32.2(b)(ii) Rule 33.3 Only a Branch Delegate to Federal Council can be nominated
SPSF Group Federal Council	Federal Vice President - NSW	1	Other	Scheduled	Ex officio. Chapter C Federal Rules, Rule 33. the person elected to the Office of the Branch Secretary is taken to also hold the Office of Federal Vice President
CPSU National	National Officers' Committee Member	1	Other	Scheduled	Ex officio, Chapter A, Rule 14(b) the person holding the Office of Federal Vice President is taken to also hold the Office of National Officers' Committee Member

Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by the Returning Officer	To be determined by the Returning Officer
Nominations CLOSE	To be determined by the Returning Officer	To be determined by the Returning Officer
Roll of Voters cut off date	Not earlier than 30 days and no later than 7 days before the day on which the nominations open, to be determined by the Returning Officer (Federal Rules, Rule 25.1(c))	To be determined by the Returning Officer

NOTES: For insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as 'To be determined by the returning officer'. This also applies where rules are silent as to the nominated dates.

If the nomination dates are 'To be Determined by the Returning Officer', but your organisation has a *preference*, please state 'To be Determined by Returning Officer' and clearly indicate that your nominated date is a preference.

If the P.I. includes a position that is not an office, please refer to our template [Prescribed information for the election of officer and non-officer positions](#).

Annexure B

CPSU NSW lodged an application to change the Branch's Rules in late 2019 and was given Matter No. R2019/154.

The reasons for the proposed changes are (as set in out the Notice of Particulars attached to the Branch's Application):

- (1) Update the editing and formatting for consistency, in particular to bring the structure of the Reserved Positions for the School Education members in line with the Higher Education and Health Sector reserved positions;
- (2) To re-insert the full calculation of reserved positions for School Education, Higher Education and Health Sector members which had applied until 24 July 2019 and was inadvertently left off the rule book approved on 24 July 2019 [R2019/48].