



5 September 2016

Mr John Cahill  
Branch Secretary  
The Community and Public Sector Union - SPSF Group  
New South Wales Branch

**By email: [psa@psa.asn.au](mailto:psa@psa.asn.au)**

Cc:  
Ms Karen Batt  
The Community and Public Sector Union - SPSF Group  
SPSF Victorian Secretary, SPSF Federal Secretary, Joint National Secretary

**By email: [kbatt@cpsuVIC.org](mailto:kbatt@cpsuVIC.org)**

Dear Mr Cahill

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2016/72**

On Friday 2 September the Fair Work Commission (the Commission) received a post election report from the Australian Electoral Commission (AEC) for election E2016/72. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply. This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

**A notice must be published on the organisation's website**

The organisation or branch must 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 regs 141(4) and (5)).

**A written response must be provided to the AEC**

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

**Extract of report must be made available to members**

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

**Written response must be made available to members**

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or

- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and
- within 30 days of giving the response to the AEC:
  - lodges with the Commission a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
  - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

### **Penalties may apply**

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the Commission for assistance by email to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

### **If the organisation or branch decides to alter its rules in response to the AEC's report**

If the organisation or branch decides to alter its rules in response to the AEC's report, the Regulatory Compliance Branch of the Commission is able to provide advice and assistance regarding draft alterations, as well as about the processes required to make the alterations. We encourage the organisation or branch to forward drafts of proposed alterations to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

Yours sincerely

Jennifer Raeburn

Regulatory Compliance Branch



5 September 2016

Mr John Cahill  
Branch Secretary  
The Community and Public Sector Union - SPSF Group  
New South Wales Branch

**By email: [psa@psa.asn.au](mailto:psa@psa.asn.au)**

Cc:  
Ms Karen Batt  
The Community and Public Sector Union - SPSF Group  
SPSF Victorian Secretary, SPSF Federal Secretary, Joint National Secretary

**By email: [kbatt@cpsuVIC.org](mailto:kbatt@cpsuVIC.org)**

Dear Mr Cahill,

### **Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election [E2016/72] for the SPSF Group, New South Wales Branch. 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 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 154D(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act) requires the rules of organisations (and branches of organisations) to require 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 should be provided for in your organisation's rules.

### **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

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GPO Box 1994  
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Email : [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)  
Internet : [www.fwc.gov.au](http://www.fwc.gov.au)

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. I have attached a template notification of changes which may assist you. If any change does not apply until a specific date, you don't 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

Jennifer Raeburn  
Regulatory Compliance Branch

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

The Community and Public Sector Union  
SPSF Group- New South Wales Branch

ELECTIONS COVERED IN THIS REPORT

*Election Decision No/s:* E2016/72

RULES

*Rules used for elections Rule ID:* [090V-SPSF: Incorporates alterations of 11/12/2015 (R2015/231)] Replaces rulebook dated 16/02/2015 Chapter C Group Rules used for election.

*Rules difficult to apply/interpret:*

- I. Members on reduced or nominal subscription rates e.g. those on maternity leave or unemployed, were not included on the original roll of voters supplied. State federated PSA rules are clear on not including such members. However, CPSU SPSF rule are silent on this issue. Returning Officer asked for the list of members and added 160 to roll of voters day after ballot opened.
- II. Group Rule 17.2 (e) contains a typographical error regarding close of roll date and this was advised to Union It states  
*“fix the date for the closure of the roll of voters by specifying a day which shall be no earlier than 30 days, and no later than seven days, after the date fixed for the opening of nominations. It should instead be before the opening of nominations.*  
Also contradicts Rule 25.1 (c) which is correctly worded.
- III. Rules regarding multiple nominations are difficult to apply and interpret. Rule 21.1 (b) names Branch offices that may not be held simultaneously. However they are difficult to interpret as Delegate to branch council is also loosely referred to as Branch Councillor by the Union.  
RO had to exclude two candidates from ballot of delegate to branch council after they were elected to higher offices as per rule 42.2.

## **ROLL OF VOTERS**

<i>Total number of voters on the roll</i>	35345
<i>Number of apparent workplace addresses</i>	62
<i>Number of non-current addresses</i>	1520
<i>Other Matters (mail returned undelivered)</i>	4.3%

## **ALLEGATIONS OF IRREGULARITIES RECEIVED**

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

## **ATTACHMENTS**

- A:** Declaration of Results for Uncontested Offices Stage 1
- B:** Declaration of Results for Uncontested Offices Stage 2
- C:** Declaration of Results for Uncontested Offices Stage 3



Noopur Madan  
Returning Officer  
2 September 2016

**CPSU, the Community and Public Sector Union, SPSF Group  
New South Wales Branch  
Stage 1**

**Declaration of Results for Contested and Uncontested Offices**

**E2016/72**

Below are 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.

**NSW Branch**

Total number of names on the roll of voters (includes Sub Branch1)	35345
Ballot papers issued	35345
Replacement ballot papers issued	13
<b>Total Ballot Papers Issued</b>	<b>35358</b>
Envelopes returned for scrutiny	2992
Less envelopes rejected at preliminary scrutiny	109
Branch ballot papers missing in envelopes	25
Adjusting balance	-5
<b>Total Envelopes Admitted to Scrutiny</b>	<b>2853</b>
Percentage of ballot papers returned to number issued	8.5
Ballot papers returned as unclaimed mail	713
Ballot papers not returned	31653

**Branch President**

Number of ballot papers returned	2853
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Candidates

Votes

MCKELVIE, Kylie	1358
COURT, Mary	1372

Total votes	2730
Formal ballot papers	2730
Informal ballot papers	123

I declare Mary Court elected.

**Branch Vice Presidents (3)**

Number of ballot papers returned <b>(Quota = 690)</b>	<b>2853</b>
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Candidates

First Preference Votes

Final Count Votes

WALTERS, Jeffrey	346	532
SINGLETON, Jenny	521	715
ELLIOTT, Shane	215	Excluded

BOGATYROV, Michelle	155	Excluded
JONES, John	133	Excluded
REILLY, Rebecca	378	784
KINIMAKA, Renee	87	Excluded
BOTTRELL, Kellie	180	Excluded
KELLNER, Boyd David	103	Excluded
JESS, Nicole	641	706
Exhausted Votes	<b>0</b>	<b>554</b>
Formal ballot papers	<b>2759</b>	<b>2759</b>
Informal ballot papers	<b>94</b>	<b>94</b>

I declare Nicole Jess, Rebecca Reilly and Jenny Singleton elected.

### **Branch Assistant Secretary (2)** (Members not allocated to Sub-Branch 1)

Number of ballot papers returned **2812**  
**Quota = 917**

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Count Votes</u>
CAMERON, Kirsten	732	920
TURNER, Steve	845	917
WRIGHT, Troy	791	911
SHIELDS, Heather	380	Excluded
Exhausted Votes		<b>0</b>
Formal ballot papers	<b>2748</b>	<b>2748</b>
Informal ballot papers	<b>64</b>	<b>64</b>

I declare Kirsten Cameron and Steve Turner elected.

### **Branch Secretary**

#### Candidates

GARDINER, Anne

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



**Delegate to Branch Council (10) members not allocated to Sub-branch 1**

Number of ballot papers returned

**2829**

**Quota = 244**

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Count Votes</u>
ROCHFORD, Matte	231	244
CAMERON, Kirsten	Excluded*	0
GREENWOOD, Judy	87	Excluded
BENISHAY, Sage	266	244
BOGATYROV, Michelle	119	282
SOWTER, Sheldon	57	Excluded
WESTACOTT, Julie *	64	#Elected
BOTTRELL, Kellie	91	244
KINIMAKA, Renee	55	Excluded
SHIELDS, Heather	543	244
MCFARLANE, Jason	73	Excluded
REILLY, Rebecca	Excluded*	0
CASTLES, Danielle Maree	44	Excluded
WALTERS, Jeffrey	162	244
ODEWAHN, Shelley	26	277
DOWN, Brook	46	Excluded
O'BRIEN, Steve	44	Excluded
JACKSON, Heather	45	Excluded
ELLIOTT, Shane	89	244
JONES, John	49	Excluded
CHARLTON, Jason	76	Excluded
MORATELLI, John	43	Excluded
PARISSI, Leon	79	Excluded
BAINY, Alex	73	Excluded
FIELD, Angela	114	244
PINKSTONE, William	22	Excluded
KELLNER, Boyd David	51	Excluded
ILLINGWORTH, David	42	Excluded
TUIT, Ian	28	Excluded
O'HARA, Chris	56	Excluded
Exhausted Votes	<b>0</b>	<b>124</b>
Formal ballot papers	<b>2675</b>	<b>2675</b>
Informal ballot papers	<b>154</b>	<b>154</b>

I declare Sage Benishay, Michelle Bogatyrov, Kellie Bottrell, Shane Elliott, Angela Field, Shelley Odewahn, Matte Rochford, Heather Shields, Jeffrey Walters and Julie Westacott elected.

# Julie Westacott is elected as per Branch Rule 5 (B) (i) as she is the only candidate from Health.

\*Excluded as elected to higher office previously.

**NSW Branch Sub - Branch No. 1**

**Branch Assistant Secretary Sub Branch No 1**

Candidates

No nomination was received

No candidates elected.

**Delegate to Branch Council (3)**

Candidates

No nomination was accepted.

No candidates elected.



Noopur Madan  
Returning Officer  
Australian Electoral Commission

14 July 2016

**CPSU, the Community and Public Sector Union,  
SPSF Group  
New South Wales Branch Stage 3**

**Declaration of Results for Uncontested Offices**

**E2016/72**

Below are 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.

**From Delegates to Federal Council**

**Branch Federal Vice-President**

Candidates

TURNER, Steve

**Branch Representative on Federal Executive**

Candidates

REILLY, Rebecca

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

30 August 2016

**CPSU, the Community and Public Sector Union,  
SPSF Group  
New South Wales Branch - Stage 2**

**Declaration of Results for Uncontested Offices**

**E2016/72**

Below are 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.

**Branch Council**

**Branch Delegate to Federal Council (excluding Sub-Branch No. 1) (10)**

Candidates

BOGATYROV, Michelle  
CAMERON, Kirsten  
COURT, Mary  
ELLIOTT, Shane  
GARDINER, Anne  
ODEWAHN, Shelley  
REILLY, Rebecca  
SHIELDS, Heather May  
SINGLETON, Jenny  
TURNER, Steve

**Branch Delegate to Federal Council (Sub-Branch No. 1)**

Candidates

No nomination was received

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

9 August 2016



## DECISION

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

### **CPSU, the Community and Public Sector Union** (E2016/72)

MR ENRIGHT

MELBOURNE, 22 MARCH 2016

*Arrangement for conduct of election.*

**[1]** On 5 February 2016 the CPSU, the Community and Public Sector Union SPSF Group New South Wales Branch lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Branch President

Branch Vice President (3)

Branch Secretary

Branch Assistant Secretary (2) (Elected by Branch members not allocated to the NSW Sub Branch No 1)

Branch Assistant Secretary Sub Branch No 1 (Elected by Branch members allocated to the NSW Sub Branch No 1)

Delegate to Branch Council (10) (Elected by Branch members not allocated to the NSW Sub Branch No 1)

Delegate to Branch Council (3) Elected by Branch members allocated to the NSW Sub Branch No 1

Delegate to Federal Council (10) Elected by Branch members not allocated to the NSW Sub Branch No 1

Delegate to Federal Council Elected by Branch members allocated to the NSW Sub Branch No 1

Branch Federal Vice President

Branch Representative to Federal Executive

[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 GENERAL MANAGER

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<Price code A, PR578109>

**PRICE, Rachel**

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**From:** [REDACTED]  
**Sent:** Sunday, 20 March 2016 10:22 PM  
**To:** PRICE, Rachel  
**Subject:** RE: Correction to PI for 2016 election

Hi Rachel, I can confirm that your email sets out the correct situation, that is one Federal Councillor is elected by Branch Councillors who are members of the Sub-Branch and ten Federal Councillors are elected by Branch Councillors who are not members of the Sub-Branch. Regards, John Cahill, NSW Branch Secretary.

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From: [Rachel.PRICE@fwc.gov.au](mailto:Rachel.PRICE@fwc.gov.au)  
To: [REDACTED]  
Subject: Correction to PI for 2016 election  
Date: Fri, 18 Mar 2016 05:34:05 +0000

Hello John,

Further to our conversation this afternoon, we require clarification about the number of Federal Council Delegates to be elected in the 2016 elections.

Currently, the PI reads that 10 delegates are to be elected in total. As you are aware, under SPSF Federal Rule 3.2, the number is 10 delegates elected by and from members of the Branch Council excluding the members of Sub Branch No 1, and 1 delegate elected by and from the Branch Council who are members of NSW Sub Branch No 1.

Can you please, by return email, clarify that the offices listed under 'D' in the PI should read 'Federal Council delegates (10), plus one delegate elected by and from members allocated to the NSW Sub Branch No 1'?

I look forward to hearing from you.

Thank you,  
Rachel

**Rachel Price**  
Regulatory Compliance Branch

**FAIR WORK COMMISSION**

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E2016/72


**Notice and Statement of Prescribed Information for an Election**

I, John Cahill, being the Branch Secretary of the Community and Public Sector Union; SPSF Group New South Wales Branch, make the following statement:

I am the Branch Secretary of the Community and Public Sector Union; SPSF Group New South Wales Branch

I am authorised to lodge the following prescribed information concerning forthcoming elections in the SPSF Group New South Wales Branch of the Community and Public Sector Union, and

I confirm that the following information is being lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009*.

Signed: 

Dated: 4 February 2016

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**Offices/Positions**

<b>A</b>	Branch President (Direct Voting System)
	Branch Vice-Presidents (3) (DVS)
	Branch Secretary (DVS)
<b>B</b>	Branch Assistant Secretaries (2) (DVS). Elected by Branch members not allocated to the NSW Sub Branch No. 1
	Branch Assistant Secretary Sub Branch No.1 (1) (DVS). Elected by Branch members allocated to the NSW Sub Branch No. 1
<b>C</b>	Delegates to Branch Council (10) (DVS) Elected by Branch members not allocated to the NSW Sub Branch No. 1
	Delegates to Branch Council (3) (DVS) Elected by Branch members allocated to the NSW Sub Branch No. 1
<b>D</b>	Federal Council delegates (10) (Collegiate Voting System) including one delegate elected by and from members allocated to the NSW Sub Branch No. 1
<b>E</b>	Federal Vice President (CVS)
	Branch Representative to Federal Executive (CVS)

**Reasons for election:**

- Election for offices and positions marked **A** to **E** respectively are required as the terms of office are due to expire in the normal course of events under the rules of the organisation.

**Elected by:**

- The electorate for the direct voting system for offices marked **A** is all financial members of the Branch (Chapter C Rule 25.1(b)).
- The electorates for the direct voting system for offices marked **B** is all financial members of the NSW Branch not allocated to the NSW Sub Branch No.1 elect two Branch Assistant Secretaries; and members allocated to the NSW Sub Branch No. 1 elect one Branch Assistant Secretary (NSW Branch rule 6).
- The electorates for the direct voting system for offices marked **C** is all financial members of the NSW Branch not allocated to the NSW Sub Branch No.1 elect 10 delegates to Branch Council; and members allocated to the NSW Sub Branch No. 1 elect three delegates to Branch Council (NSW Branch rule 14D and E).
- The electorate for the collegiate electoral system for offices marked **D** is all financial members of the Branch Council (comprised of offices elected at **A**, **B**, and **C**)(Chapter C rule 37:1(b)). 10 delegates are to be elected from members of Branch Council based on the total number of financial members of the Branch (Chapter C rule 3.2(a)). One delegate from the NSW Branch shall be elected by and from the Branch Council who are members of the NSW Sub Branch (Chapter C rule 3.2(b)). The total number of members as at 31 December 2015 is 36,324.
- The electorate for the collegiate electoral system for offices marked **E** is Delegates to Federal Council (comprised of offices elected at **D**)(10 members)(Chapter C rule 37.1(b)).

**Nominations open:**

- For offices marked **A**, **B**, and **C** to be elected by direct voting system - the election must be conducted so that the result is declared not earlier than 1 May and not later than 30 June 2016. Nominations are open for at least 14 days (Chapter C rule 19.1).
- For offices marked **D** to be elected by collegiate election – the election must be conducted at the first meeting of the Branch Council. The election is to be conducted so that the result is declared not earlier than 1 June and not later than 25 August 2016. Nominations are called 14 days prior to the meeting (Chapter C rule 32).
- For offices marked **E** to be elected by collegiate election – the election must be conducted as soon as practicable after Branch Councillors take office. Nominations are called 14 days prior to the meeting (Chapter C rule 32).

**Nominations close:**

- For offices marked **A**, **B**, and **C** to be elected by direct voting system - the election must be conducted so that the result is declared not earlier than 1 May and not later than 30 June 2016. Nominations are open for at least 14 days. Nominations close at 12 noon on the last day (Chapter C rule 19.1).
- For offices marked **D** to be elected by collegiate election – the election must be conducted at the first meeting of the Branch Council. The election is to be conducted so that the result is declared not earlier than 1 June and not later than 25 August 2016. Nominations are called 14 days prior to the meeting. (Chapter C rule 32).
- For offices marked **E** to be elected by collegiate election – the election must be conducted as soon as practicable after Branch Councillors take office. Nominations are called 14 days prior to the meeting (Chapter C Rule 32).

**Cut off date for roll:**

- For offices marked **A,B,** and **C** to be elected by direct voting system – the Close of Roll day shall be a day which is no earlier than 30 days and no later than 7 days before the date on which nominations for the election open (Chapter C Rule 25.1(c))
- For offices marked **D** to be elected by collegiate election – the election must be conducted at the first meeting of the Branch Council. The electorate comprises offices marked **A,B,** and **C** (21) (Chapter C Rule 37)
- For offices marked **E** to be elected by collegiate election – the election must be conducted as soon as practicable after Branch Councillors take office. The electorate comprises offices marked **D** (10) (Chapter C Rule 37)