

Ms Karen Batt  
Branch Secretary  
CPSU, the Community and Public Sector Union,  
Victorian Branch of the SPSF Group  
PO Box 200  
CARLTON SOUTH VIC 3053

**Post Election Report For:** CPSU, the Community and Public Sector Union,  
SPSF Group  
Election E No 2013/111

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 of the *Fair Work (Registered Organisations) Act 2009* requires the AEC to provide a written report on the conduct of the election to the Industrial Registrar and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of Schedule 1 requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members. Further, Regulation 141(4) of the *Fair Work (Registered Organisations) Act 2009* Regulations requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Jeff Webb  
Returning Officer  
28 August 2013

*Fair Work (Registered Organisations) Act 2009 Schedule 1*

**POST ELECTION REPORT**

CPSU, the Community and Public Sector Union,  
SPSF Group

**ELECTION/S COVERED IN THIS REPORT**

Election Decision No/s: E2013/111

**RULES**

Rules used for the election: [[090V-VICS: Incorporates alterations of 19/06/2006]  
[R2006/204] replaces rulebook dated 22/01/2004

Rules difficult to apply/interpret: 55C due to extremely late running of precursor elections  
for federal Vice President was unable to conduct  
election as an attendance ballot and the election was  
conducted by post

Model Rule reference (if any): N/A

**ROLL OF VOTERS**

Total number of voters on the Roll: Did not go to ballot

Number of apparent workplace addresses: Nil

Number of non-current addresses: Nil

Other matters pertaining to the roll of voters: Nil

**IRREGULARITIES**

Details of written allegations of irregularities,  
and action taken by AEC: Nil

Other irregularities identified, and action taken: Nil

**ATTACHMENTS**

Declaration of Results

Jeff Webb  
Returning Officer

28 August 2013

**- CPSU, the Community and Public Sector Union, SPSF Group  
Office bearer**

**Declaration of Results for Uncontested Offices**

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.

**National**

**Federal President**

Candidates

MCMAHON, Jan

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



Jeff Webb  
Returning Officer  
19 August 2013



## DECISION

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

**CPSU, the Community and Public Sector Union**  
(E2013/111)

AILS A CARRUTHERS

MELBOURNE, 25 FEBRUARY 2013

*Arrangement for conduct of election.*

[1] On 25 January 2013 the SPSF Group of the CPSU, the Community and Public Sector Union lodged with the Fair Work Commission the prescribed information in relation to an election for the following office:

Federal President

[2] On 13 February 2013 and 25 February 2013 the SPSF Group lodged further information which confirmed that the election notification for this office had been lodged late and that an election is well overdue.

[3] The organisation was informed that the prescribed information was not lodged before the day prescribed by Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. That day is the day occurring 2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in the election. The organisation then asked me to allow a later day for lodgment of the prescribed information under subsection 189(2) of the Act. Having considered the reasons for late lodgment, I allow lodgment on 25 January 2013 in this instance.

[4] The above office is well overdue and I am therefore satisfied that an election for the abovenamed office 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.

[5] The fact that the election notification for this office has been lodged late does not obviate the need for a further election, within about a year, in accordance with the election time frame set out in Rule 55C of the SPSF Group Rules (Chapter C Rules of the organisation) to bring the election cycle back into synchronicity.



DELEGATE OF THE GENERAL MANAGER  
FAIR WORK COMMISSION

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COMMUNITY & PUBLIC SECTOR UNION  
STATE PUBLIC SERVICES FEDERATION GROUP

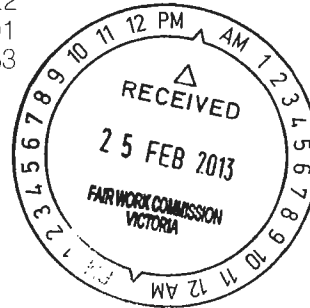
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20 February 2013

Melissa Garcia  
Fair Work Australia  
11 Exhibition Street  
Melbourne VICTORIA 3000



Dear Ms Garcia,

**RE: CPSU-SPSF Federal President Elections**

Thank you for your inquiry on Wednesday 6 February 2013 with one of our staff regarding this matter of which we notified Fair Work Australia by correspondence dated 16 January 2013.

The CPSU understand you have requested it to firstly explain why an election for the position of Federal President was not held in 2010 and secondly to formally seek an extension with respect to the Federal President election of 2012.

By way of background, you may be aware that in November 2012 an election was held for the position of Federal Secretary of the CPSU SPSF Group. This election resulted in me replacing the incumbent of twelve years, Mr David Carey.

Since your inquiry the CPSU has examined its documentation regarding the last election held for Federal President, which was timetabled for 2008, sought in 2009 but undertaken in early 2010. It can confirm that the CPSU was advised by the Delegate when deciding to conduct the overdue 2008 election in early 2010 that another would be required later that year to bring the electoral cycle back into synchronicity. Unfortunately upon reviewing records of the time, the CPSU cannot identify any documentation as to why this subsequent election in 2010 was not undertaken, and respectfully suggests any further inquiries regarding this be made with the former Federal Secretary who under CPSU Rules was responsible for, and had carriage of, such matters.

With regard to the election for Federal President which was to occur by the end of 2012 and of which Fair Work Australia was recently notified, the CPSU has been delayed due to factors beyond its control making it impossible to be conducted at this time.

According to Rule 55C(A) of the Chapter C of the CPSU Rules, the Federal President is elected by the Federal Councillors from, according to Rule 55C(B), a field of candidates of the Federal Vice-Presidents. Neither the group of persons eligible to cast a ballot, nor those eligible to stand for election has been established at this time. The CPSU understands that its NSW Branch has only recently applied for an election of its Federal Councillors. Once these are confirmed the Branch is then required to elect from among the ranks of those Federal Councillors the Federal Vice-President and Branch Representative for the NSW Branch. It is only once these elections have been finalised that the CPSU will be able to proceed with its election for Federal President.

The CPSU consequently seeks an extension of time to lodge the prescribed information, pursuant to Section 189(2) of the Fair Work (Registered Organisations) Act 2009, for its Federal President elections until the completion of the aforementioned elections in the NSW Branch. Obviously the further details you have sought, namely the names of the eligible voters and the closing date for nominations, can be provided at that time.

Should you have any queries regarding this matter please do not hesitate to contact me via the details listed above.

Yours sincerely,



Karen Batt

Federal Secretary CPSU (SPSF Group)



COMMUNITY & PUBLIC SECTOR UNION  
STATE PUBLIC SERVICES FEDERATION GROUP

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PO Box Q1317, QVB Sydney NSW 1230  
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AUSTRALIA  
Tel: (02) 9299 5655  
Fax: (02) 9299 7181  
ABN 31 572 641 712  
Joint National Secretariat

16 January 2013

General Manager  
Fair Work Australia  
Level 4, 11 Exhibition Street  
MELBOURNE VIC 3000



Dear Sir/Madam,

**Re: Election for Federal President – CPSU, The Community and Public Sector Union (State Public Services Group)**

The current two year term of the Federal President of the SPSF Group of the Community and Public Sector Union has expired.

Rule 55B of our Union's rules requires that the Federal President be elected by the Branch Representatives to Federal Council (the Federal Councillors). Only Federal Vice Presidents can be nominated for election as Federal President. Nominations shall be in writing and shall be signed by the Federal Vice-President accepting nomination, and by two other members of Federal Council.

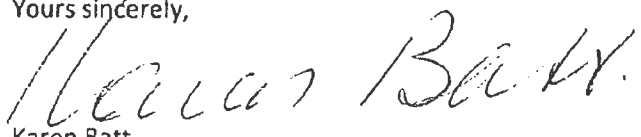
I am writing to request that the General Manager FWA request the AEC to conduct the election for Federal President of the SPSF Group of the CPSU.

At the time of writing , the pool of eligible voters is not finalised however the CPSU recognises that it has an obligation under its Rules and the Act to advise FWA of the need for this election.

The NSW Branch of the SPSF is currently undergoing the process of electing their Federal Councillors, and I anticipate this process will be completed in the next few weeks. Consequently we are requesting that the Federal President election, which must be conducted by secret ballot, be undertaken at the scheduled meeting of the Federal Council on 1 March 2013 in Melbourne.



Yours sincerely,

A handwritten signature in black ink that reads "Karen Batt". The signature is written in a cursive, flowing style.

Karen Batt

CPSU-SPSF Federal Secretary

**Statement of Prescribed Information for an Election**

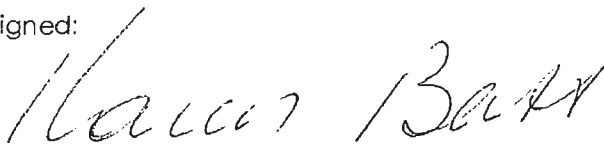
I, Karen Batt, being the Federal Secretary of the CPSU SPSF Group, make the following statement:

I am the Federal Secretary of the Community and Public Sector Union – State Public Services Federation Group.

I am authorised to lodge the following prescribed information concerning the forthcoming election of the Federal President of the CPSU – SPSF Group; and

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

Signed:



Dated: 16 January 2013

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Offices/Positions	Voting Method
Federal President	Collegiate Election

**Reasons for election:**

- Election for the office and position listed above is required as the term of office under the rules of the organisation has expired.

**Elected by:**

- The electorate for the collegiate voting system is the Federal Council of the SPSF Group, totally 39 people. [Rule 55C.A of Chapter C of the CPSU Rules]
- Persons eligible for nomination are the Federal Vice-Presidents. [Rule 55C.B of Chapter C of the CPSU Rules]
- A Vice-President must be nominated by at least two members of the Federal Council and sign the written nomination. [Rule 55C.B of Chapter C of the CPSU Rules]
- Attached are a list of the members of the Federal Council eligible to vote and a list of the Federal Vice-Presidents eligible for nomination.