



FAIR WORK  
AUSTRALIA

## DECISION

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

**CPSU, the Community and Public Sector Union**  
(E2010/2619)

T. NASSIOS

MELBOURNE, 14 JULY 2010

*Arrangement for conduct of election.*

[1] On 5 July 2010 the SPSF Group of the Victorian Branch of the abovenamed organisation lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

Delegates to Federal Council (5)

[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.

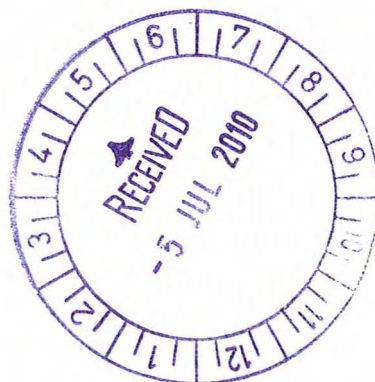


DELEGATE OF THE GENERAL MANAGER  
FAIR WORK AUSTRALIA

Printed by authority of the Commonwealth Government Printer

<Price code A, PR998983 >

2 July 2010  
Ref: CPSUV/M/3



General Manager  
Fair Work Australia  
GPO Box 1994  
Melbourne Vic 3001

Dear Sir

**RE: Election of Victorian Delegates to Federal Council**

On behalf of the Community and Public Sector Union, State Public Services Federation, Victorian Branch I am authorised to provide the attached prescribed information under subsection 189(1) the *Fair Work (Registered Organisations) Act 2009*, concerning an election of Victorian delegates to the CPSU/SPSF Federal Council.

Rule 54A of Community and Public Sector Union; Chapter C - SPSF Group Rules provides an option of 4 yearly elections if provided in the Branch rules. Rule 7.3 of the SPSF Group Victorian Branch Rules provides for Branch Officers to be elected for a 4 yearly terms. Rule 8 provides for 4 yearly elections of Branch Councillors. Branch Council is constituted by Branch Officers and Branch Councillors (Rule 6.2).

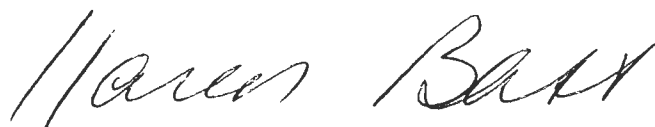
Rule 54B of Community and Public Sector Union; Chapter C - SPSF Group Rules deals with the election of delegates to Federal Council. The Rule requires two yearly elections. However, Rule 54B C states this must be "14 days prior to the first meeting of Branch Council after each two-yearly election of delegates to Branch Council". In the case of the Victorian Branch, Branch Council was elected in 2008 in accordance with its 4 yearly cycle.

Elections for Federal Councillors must be held immediately following the 4 yearly Branch Council elections. This election was conducted by the AEC on 2 June 2008. In 2000 and 2004 elections had been conducted on a 4 yearly basis. Nevertheless, Deputy Industrial Registrar Nassio decided in May 2008 [2008] AIR 401 that there was a requirement to hold two yearly elections under Rule 54B C.

Notwithstanding the inconsistency in the Rules, attached is an application under s189(1) of the *Fair Work (Registered Organisations) Act 2009* for the General Manager to arrange for the conduct of election. The next meeting of the Victorian Branch Council will take place on 26 July at 2:00 pm. I would appreciate it if arrangements could be made to conduct the election at that meeting.

Please contact Wayne Townsend on 03 9639 1822 or [wtownsend@cpsu Vic.org](mailto:wtownsend@cpsu Vic.org) if necessary.

Yours faithfully



Karen Batt  
Branch Secretary

Australian Unions



Working for a  
better life.

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

**In the matter of:**

S189 - Application by CPSU SPSF Victorian Branch for General Manager to arrange for the conduct of elections

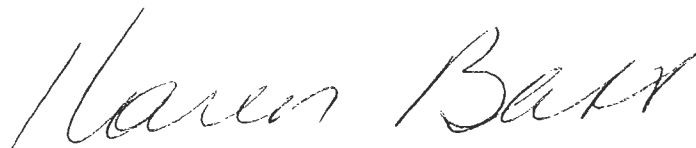
***Fair Work (Registered Organisations) Regulations 2009***  
**Regulation 138(2)**

**Statement by Authorised Officer**

I, Karen Batt, of Level 2, 6 Palmer Parade, Cremorne, Victoria, Union Official, state that I am the Branch Secretary of the CPSU, the Community and Public Sector Union, State Public Services Federation Group, Victorian Branch, and I am duly authorised to sign this statement that the information in the attached document is being lodged in accordance with section 189(1) of the *Fair Work (Registered Organisations) Act 2009*.

DATED: 2 July 2010

SIGNED:

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

Karen Batt  
Branch Secretary  
CPSU/SPSF Victorian Branch

*Fair Work (Registered Organisations) Act 2009*

**In the matter of:**

S189 - Application by CPSU SPSF Victorian Branch for General Manager to arrange for the conduct of elections

*Fair Work (Registered Organisations) Regulations 2009*  
**Regulation 138(1)**

**Prescribed information for election**

**1. Office**

Five (5) Branch Delegates to Federal Council

**2. Reason for election**

Rule 54B of the CPSU SPSF Group Rules provides that each Branch shall elect delegates to Federal Council two yearly by secret ballot of the members of the Branch Council.

The current term of office expires in 2010.

**3. Conduct of election**

Rule 54B of the CPSU SPSF Group Rules provides that each Branch shall be conducted in accordance with Rule 54B of Chapter C of the Rules.

Rule 54B sub rule B of the Rules provides that the election for each office shall be conducted so that the result is declared not earlier than 1 June and not later than 25 August of each even numbered year.

**4. Electorate**

Rule 54B subrule A of the CPSU SPSF Group Rules provides that members of the Branch Council are eligible for election as delegate to Federal Council.

**5. Nominations open**

Rule 54B sub rule B of the Rules provides that the election for each office shall be conducted so that the result is declared not earlier than 1 June and not later than 25 August of each even numbered year.

The Victorian Branch Council resolved at its meeting on 28 June to make arrangements for the election to be conducted at its next meeting on 26 July 2010 in order to comply with the Rules.

**6. Voting system**

Collegiate electoral system by and from Branch Council members.