

Ms Karen Batt
Branch Secretary
CPSU SPSF Group Victorian Branch
PO Box 24233
Melbourne VIC 3001

**Post Election Report For: CPSU, the Community and Public Sector Union/SPSF Group
Election: Victorian Branch Elections – E2016/63**

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 Fair Work Australia 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 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

10 August 2016

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

CPSU, the Community and Public Sector Union/SPSF Group

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: *E2016/63*

RULES

Rules used for the election: [090V-VICS: Incorporates Alterations of 16/11/2015] [R2015/110] replaces rulebook dated 19/6/2006 [R2006/204]

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

ROLL OF VOTERS

Total number of voters on the Roll: Electorate 1 – 1702
Electorate 3 – 1065

Number of apparent workplace addresses: 10

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:

A written allegation of irregularities was received from CPSU Member Mr Peter Lilywhite who alleged that the acceptance of nominations by the Returning Officer for two candidates (namely Mr Mark Dowling and Mr James Reid) was not in accordance with the rules. An election inquiry was initiated. The matter was subsequently heard before Justice Jessup (VID 424 of 2016) and the AEC Decision to accept the nomination of Mr James Reid was voided. The Court deemed an irregularity has not happened in relation to the election for the office of Branch Council Delegate – Electorate 1 in the Victorian Branch of the SPSF Group of the CPSU, the Community and Public Sector Union when the Returning Officer accepted the nomination of Mark Dowling for the said office

Other irregularities identified, and action taken: Nil

ATTACHMENTS

Declaration of Results

A handwritten signature in black ink, appearing to read "Jeff Webb". The signature is written in a cursive style with a large initial 'J'.

Jeff Webb
Returning Officer

10 August 2016

8 August 2016

Ms Karen Batt
SPSF Vic Secretary, SPSF Federal Secretary, Joint National Secretary
CPSU, the Community and Public Sector Union-SPSF Group, Victorian Branch
kbatt@cpsuvic.org



Dear Ms Batt,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) with stage 1 & 2 declaration of results for the election [E2016/63] for SPSF Group, Victorian 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 CPSU, the Community and Public Sector Union-SPSF Group, Victorian 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

**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return)
required to be kept in accordance with section 230 *Fair Work (Registered Organisations)
Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009***

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 1. [include OLD name and address and NEW name and address of every branch that has changed]
 2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:³
 - COMMENCED/CEASED operation:
 1. [include name of each new branch]
 2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to.]

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Reason for change	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder (for privacy reasons, we recommend NOT a private address)	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Retiring</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
...							
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Resignation</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
...							

- CPSU, the Community and Public Sector Union, SPSF Group Stage 2

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.

Victorian Branch

Delegate to Federal Council (5)

Candidates

DAVIES, Catherine
FREE, Elizabeth
GREAVES, Gary
JONES, Andrew
LILLYWHITE, Peter

Federal Vice President

Candidates

DAVIES, Catherine

Branch Representative to Federal Executive

Candidates

LILLYWHITE, Peter

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
25 July 2016

CPSU, the Community and Public Sector Union, SPSF Group Delegates to Branch Council

Declaration of Results for Contested Offices E2016/63

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.

Victorian Branch - Electorate 3

Total number of names on the roll of voters	1065
Ballot papers issued	1066
Replacement ballot papers issued	1
Total Ballot Papers Issued	1066
Ballot papers / envelopes returned for scrutiny	280
Less ballot papers / envelopes rejected at preliminary scrutiny	1
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	279
Percentage of ballot papers returned to number issued	26%
Ballot papers returned as unclaimed mail	2
Ballot papers not returned	784

Branch Council Delegate - Electorate 3 (3)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
SHARPLES, Judy Louise	96	70
NEVILLE, Greg	60	68
BARTON, Helen	54	68
PERRY, Christopher David	66	70
Total votes	276	276
Formal ballot papers	276	276
Informal ballot papers	3	3

I declare Judy Louise Sharples, Christopher David Perry and Greg Neville elected.

- Please note Greg Neville was elected at Count 3 in accordance with Rule 43.9



Jeff Webb
Returning Officer
Australian Electoral Commission

10 June 2016

CPSU, the Community and Public Sector Union, SPSF Group Delegates to Branch Council

Declaration of Results for Contested Offices – E2016/63

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.

Victorian Branch Electorate 1

Total number of names on the roll of voters	1702
Ballot papers issued	1702
Replacement ballot papers issued	0
Total Ballot Papers Issued	1702
Ballot papers / envelopes returned for scrutiny	367
Less ballot papers / envelopes rejected at preliminary scrutiny	2
Adjusting balance	-6
Total Ballot Papers Admitted to Scrutiny	359
Percentage of ballot papers returned to number issued	21%
Ballot papers returned as unclaimed mail	6
Ballot papers not returned	1329

Branch Council Delegate - Electorate 1 (4)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
GRAY, Bruce	25	46
WILKINSON, Vicki	24	93
SULLIVAN, Mary	67	70
DOWLING, Mark	65	70
LAURIE, Maggie	168	70
Total votes	349	349
Formal ballot papers	349	349
Informal ballot papers	10	10

I declare Mark Dowling , Maggie Laurie , Mary Sullivan and Vicki Wilkinson elected.



Jeff Webb
Returning Officer
Australian Electoral Commission

7 July 2016

**- CPSU, the Community and Public Sector Union, SPSF Group
Office Bearers – E2016/63**

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.

Victorian Branch

Branch President

Candidates

LILLYWHITE, Peter

Branch Vice President (2)

Candidates

JONES, Andrew Wesley
GREAVES, Gary

Branch Secretary

Candidates

BATT, Karen

Branch Assistant Secretary

Candidates

DAVIES, Catherine

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
1 June 2016



DECISION

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

CPSU, the Community and Public Sector Union (E2016/63)

MR ENRIGHT

MELBOURNE, 23 FEBRUARY 2016

Arrangement for conduct of election.

[1] On 29 January 2016 the Victorian Branch of 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 offices:

Branch President	(1)
Branch Vice President	(2)
Branch Secretary	(1)
Branch Assistant Secretary	(1)

Delegates to Branch Council from the following electorates:

Electorate 1	(4)
Electorate 2	(2)
Electorate 3	(3)
Electorate 4	(8)
Electorate 5	(5)
Electorate 6	(4)
Electorate 7	(2)
Electorate 8	(2)
Electorate 9	(2)

Delegate to Federal Council	(5)
Federal Vice President	(1)
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 GENERAL MANAGER

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svc-adlib5

From: Wayne Townsend <wtownsend@cpsuvic.org>
Sent: Friday, 29 January 2016 10:59 AM
To: Orgs
Subject: CPSU/SPSF Group Victorian Branch s189(1) Election request application
Attachments: 160129_CPSU-SPSF Group Victorian Branch-s189(1) Election request application.pdf

Attached is Notice and statement of prescribed information for an election for the CPSU/SPSF Victorian Branch

Wayne Townsend | Senior Industrial Officer

Community and Public Sector Union Victoria | Level 4 128 Exhibition Street Melbourne Victoria 3000 | Ph: (03) 9631 6904 or 1800 810 153 (outside metro area) | Fx: (03) 9662 4591 | Mob: 0408 953 181 | wtownsend@cpsuvic.org | www.cpsuvic.org





27 January 2016
Ref: CPSUV/M/3

General Manager
Fair Work Commission
GPO Box 1994
Melbourne Vic 3001

Dear Madam

RE: COMMUNITY AND PUBLIC SECTOR UNION/SPSF GROUP VICTORIAN BRANCH ELECTIONS

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 for offices of the Branch. Elections are conducted in stages by direct voting system; and then collegiate voting:

Direct voting

- Branch President
- Branch Vice-Presidents (2)
- Branch Secretary
- Branch Assistant Secretary
- Branch Councillors (32)

Collegiate voting

- Federal Council delegates (5)
- Federal Vice President
- Branch Representative to Federal Executive

The union's rules require that the direct voting elections must be conducted so that the result is declared not earlier than 1 May and not later than 30 June 2016. Offices under the collegiate voting system are elected at the first meeting of the new Branch Council.

Please contact Julian Kennelly on 03 9639 1822 or jkennelly@cpsuVIC.org if necessary.

Yours faithfully

Karen Batt
Branch Secretary

Notice and Statement of Prescribed Information for an Election

I, Karen Batt, being the Branch Secretary of the Community and Public Sector Union; SPSF Group Victorian Branch, make the following statement:

I am the Branch Secretary of the Community and Public Sector Union; SPSF Group Victorian Branch

I am authorised to lodge the following prescribed information concerning forthcoming elections in the SPSF Group Victorian 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: [signature] 

Dated: [date] 29th JANUARY 2016.

Offices/Positions

A	Branch President (Direct Voting System)
	Branch Vice-Presidents (2) (DVS)
	Branch Secretary (DVS)
	Branch Assistant Secretary (DVS)
B	Branch Councillors (32) (DVS)
C	Federal Council delegates (5) (Collegiate Voting System)
D	Federal Vice President (CVS)
	Branch Representative to Federal Executive (CVS)

Reasons for election:

- Election for offices and positions marked **A** to **D** 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 Branch electorate (Chapter C rule 25.1(b); Victorian Branch rule 13). The number of delegates to be elected to each electorate is one Branch Councillor for each 500 Branch member or part thereof allocated to the electorate as at 31 December 2015 (Victorian Branch rule 13):

Electorate name	Electorate	No. of members as at 31 Dec 2015	No. of delegates
Electorate 1 - Health and Community Services	All members whose work location is within the Melbourne metropolitan area and who are employed by an Employer which the Branch Council declares to be Health and Community Services.	1778	4
Electorate 2 - Resources	All members whose work location is within the Melbourne metropolitan area and who are employed by an employer the Branch Council declares to be Resources.	865	2
Electorate 3 - Education	All members whose work location is within the Melbourne metropolitan area and who are employed by an employer the Branch Council declares to be Education.	1085	3
Electorate 4 - Justice	All members whose work location is within the Melbourne metropolitan area and who are employed by an employer the Branch Council declares to be Justice.	3689	8
Electorate 5 - Central Agencies	All members whose work location is within the Melbourne metropolitan area and who are employed by an employer the Branch Council declares to be Central Agencies.	2007	5
Electorate 6 - Barwon/South Western Region	All members whose work location is not within the Melbourne metropolitan area and is within an area which the Branch Council declares to be the Barwon/South	1749	4

Electorate name	Electorate	No. of members as at 31 Dec 2015	No. of delegates
	Western Region.		
Electorate 7 - North Western Region	All members whose work location is not within the Melbourne metropolitan area and is within an area which the Branch Council declares to be the North Western Region.	807	2
Electorate 8 - Gippsland Region	All members whose work location is not within the Melbourne metropolitan area and is within an area which the Branch Council declares to be the Gippsland Region.	771	2
Electorate 9 - North Eastern Region	All members whose work location is not within the Melbourne metropolitan area and is within an area which the Branch Council declares to be the North Eastern Region.	579	2
TOTAL		13330	32

- The electorate for the collegiate electoral system for offices marked **C** is all financial members of the Branch Council (37 members comprising offices elected at **A** and **B**) (Chapter C rule 37.1(b)). 5 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))
- The electorate for the collegiate electoral system for offices marked **D** is Delegates to Federal Council (5 members comprising offices elected at **C**)(Chapter C rule 37.1(b)).

Nominations open:

- For offices marked **A** and **B** 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 **C** 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 **D** 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** and **B** 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 **C** 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 **D** 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** and **B** 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 **C** 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** and **B** (37 members) (Chapter C Rule 37)
- For offices marked **D** 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 **C** (5 members) (Chapter C Rule 37)