



31 October 2016

Ms Karen Batt  
SPSF Vic Secretary, SPSF Federal Secretary, Joint National Secretary  
CPSU, the Community and Public Sector Union-SPSF Group  
[kbatt@cpsu Vic.org](mailto:kbatt@cpsu Vic.org)

cc: Mr John Welch Secretary CPSU,  
the Community and Public Sector Union - SPSF Group,  
Western Australian Prison Officers' Union Branch  
[wapou@wapou.asn.au](mailto:wapou@wapou.asn.au)

Dear Ms Batt,

### **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 of stages 1 and 2 uncontested positions for WAPOU Branch. [E2016/196]. 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. A list of approved training providers is attached.

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, Western Australian Prison Officers' Union 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;

11 Exhibition Street  
Melbourne VIC 3000  
GPO Box 1994  
Melbourne VIC 3001

Telephone: (03) 8656 4753  
Email : [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)  
Internet : [www.fwc.gov.au](http://www.fwc.gov.au)

- 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. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not 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

Marianne Kay  
Regulatory Compliance Branch

# List of approved governance training packages

Approved training material	Provider	Contact person	Contact details
AHAWA Governance and Financial Training	Australian Hotels Association (WA Branch)	Mr Bradley Woods	(08) 9321 7701 <a href="mailto:ceo@ahawa.asn.au">ceo@ahawa.asn.au</a>
APTIA Governance and Financial Training Package	Australian Public Transport Industrial Association	Mr Ian MacDonald	(02) 6247 5900 <a href="mailto:imacdonald@bic.asn.au">imacdonald@bic.asn.au</a>
Handbook for Councillors of the Australian Industry Group	Australian Industry Group (for provision to Ai Group Councillors only. Not for external parties)	Ms Jenifer Leuba	(03) 9867 0174 <a href="mailto:jenifer.leuba@aigroup.asn.au">jenifer.leuba@aigroup.asn.au</a>
The Australian Workers' Union Professional Training Program Financial Duties of Officers	Australian Workers' Union	General enquiries	(02) 8005 3333 <a href="mailto:members@nat.awu.net.au">members@nat.awu.net.au</a>
In-Boardroom: Governance and Finance for Registered Organisations	Australian Institute of Company Directors	Various	<a href="#">AICD state-based contacts</a>
ACTU s.154C Training— Union Governance	Australian Council of Trade Unions (ACTU)	Organising Centre Enquiries	(03) 9664 7360 <a href="mailto:orgcentre@actu.org.au">orgcentre@actu.org.au</a>
Governance of Registered Organisations	Weston Woodley & Robertson Chartered Accountants	Mr Dennis Robertson	(02) 9264 9144 <a href="mailto:dennisr@wwr.com.au">dennisr@wwr.com.au</a>
Governance and Financial Accountability for Registered Organisations	Local Government New South Wales	Ms Sarah Artist	(02) 9242 4182 <a href="mailto:learning@lgnsw.org.au">learning@lgnsw.org.au</a>
Australian Hotels Association Financial Management Training	Australian Hotels Association (for provision to AHA officers only. Not for external parties)	Mr Stephen Ferguson	(02) 6273 4007 <a href="mailto:ceo@aha.org.au">ceo@aha.org.au</a>
Governance and Finance Training for Registered Organisations	Dickson Wohlsen Pty Ltd, trading as CTA Training	Mr Tom Streater	(07) 3878 9355 <a href="mailto:tom@dws.net.au">tom@dws.net.au</a>
The Registered Organisation Training Act for Organisations and Boards	Vibe Public Relations Consultancy	Ms Anne Andrews	0400 021 679 <a href="mailto:vibeprctraining@bigpond.com">vibeprctraining@bigpond.com</a>
Training Course for Registered Organisations - Governance and Finance	Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union	Mr Andrew Johnson	<a href="mailto:andrew.johnson@lgrceu.org">andrew.johnson@lgrceu.org</a>
MTAQ Registered Organisation Governance Course	Motor Trades Association of Queensland Industrial Organisation of Employers	Mr Paul Murray	<a href="mailto:paulm@mtaq.com.au">paulm@mtaq.com.au</a>

**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].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  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]:<sup>3</sup>
  - COMMENCED operation:
    1. *[include name of each new branch]*
    2. ...
  - CEASED operation:
    1. *[include name of each closed 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 [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).]*

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<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> s.230(1)(d); reg.147(b) & (c)

## ANNEXURE A

- 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	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
National	1.1.2014	Secretary	Full Name	Full Name	c/- the Registered Organisation, postal address of Registered Organisation	Paid official
	25.12.2013	President	vacant	Full Name	As above	mechanic
...						
NSW	1.1.2014 (resigned) 7.1.2014 (appointed)	President	Full Name	Full Name	c/- the Branch, postal address of the Branch	mechanic
		Committee of Management Member	Full Name	Full Name	As above	mechanic
		Treasurer	Full Name	vacant	vacant	vacant
...						

**CPSU, the Community and Public Sector Union, SPSF  
Group, Western Australian Prison Officers' Union Branch  
Schedule Election - Federal Vice President and Federal  
Representative to Federal Executive**

**Declaration of Results for Uncontested Offices**

**E2016/196 – Stage 2**

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.

**Federal Council**

**Branch Representative to Federal Executive**

Candidates

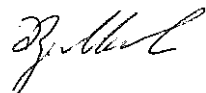
BROWN, Ken

**Federal Vice President**

Candidates

WELCH, John

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



Simon Bulloch  
Returning Officer

31 October 2016

# CPSU, the Community and Public Sector Union, SPSF Group Western Australian Prison Officers' Union Branch Election

## Declaration of Results for Uncontested Offices

### E2016/196 – Stage 1

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.

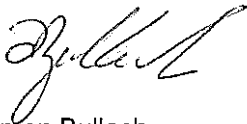
#### Federal Council

##### Branch Delegate to Federal Council (4)

##### Candidates

BROWN, Ken  
CROMB, Michael Andrew  
SMITH, Andrew James  
WELCH, John

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



Simon Bulloch  
Returning Officer

4 October 2016

Fair Work (Registered Organisations) Act 2009

**POST ELECTION REPORT**

**Client:** Community and Public Sector Union SPSF  
Group, Western Australian Prison Officers' Union Branch

**Contact details:** John Welch

**Email:** [johnwelch@wapou.asn.au](mailto:johnwelch@wapou.asn.au)

**Tel:** 08 9272 3222

**FWA contact officer:** Catherine Bebbington

**Email:** [catherine.bebbington@fwc.gov.au](mailto:catherine.bebbington@fwc.gov.au)

**Tel:** Not provided

**ELECTION/S COVERED IN THIS REPORT**

Election Decision No/s:

E2016/196

**RULES**

[090V-SPSF: Incorporates alterations of 23/12/2015 (R2015/253) Replaces rulebook dated 11/12/2015 (R2015/231)]

Model Rule reference (if any): N/A

Rules difficult to apply/interpret: Nil

**ROLL OF VOTERS**

The roll of voters was supplied by the organisation. As there was not a contest the roll was not use.

**IRREGULARITIES**

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

Other irregularities identified, and action taken: Nil

**ATTACHMENTS**

Declaration of Results for Uncontested Offices for stages 1 and 2.



Simon Bulloch  
Returning Officer  
31 October 2016





5 October 2016

Mr John Welch  
Secretary  
CPSU, the Community and Public Sector Union - SPSF Group, Western Australian Prison Officers'  
Union Branch  
wapou@wapou.asn.au

Dear Mr Welch,

cc: SPSF Federal Secretary

### **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 [E2016/196] for CPSU-SPSF WAPOU 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**

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#### **Holders of office required to undertake approved training**

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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, Western Australian Prison Officers' Union 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.

11 Exhibition Street  
Melbourne VIC 3000  
GPO Box 1994  
Melbourne VIC 3001

Telephone: (03) 8656 4753  
Email : [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)  
Internet : [www.fwc.gov.au](http://www.fwc.gov.au)

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

Marianne Kay  
Regulatory Compliance Branch

# CPSU, the Community and Public Sector Union, SPSF Group Western Australian Prison Officers' Union Branch Election

## Declaration of Results for Uncontested Offices

### E2016/196 – Stage 1

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.

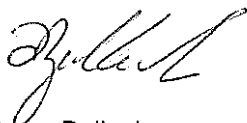
#### Federal Council

##### Branch Delegate to Federal Council (4)

##### Candidates

BROWN, Ken  
CROMB, Michael Andrew  
SMITH, Andrew James  
WELCH, John

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



Simon Bulloch  
Returning Officer

4 October 2016



## DECISION

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

### **CPSU, the Community and Public Sector Union** (E2016/196)

MR STEENSON

SYDNEY, 15 AUGUST 2016

*Arrangement for conduct of election.*

[1] On 22 July 2016, the Western Australian Prison Officers' Union Branch of the CPSU, the Community and Public Sector Union, SPSF Group, lodged with the Fair Work Commission the prescribed information in relation to an election. Subsequent to lodgement, Commission staff conferred with the Branch about queries arising from the information submitted.

[2] Amended prescribed information was lodged on 11 August 2016 and again on 12 August 2016. The prescribed information concerns the following offices:

Branch Delegate to Federal Council (4)  
Federal Vice President (1)  
Branch Representative on Federal Executive (1)

[3] In correspondence dated 11 August 2016, the Secretary of the Branch, John Welch, noted that the prescribed information was not lodged before the prescribed day as required by regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. Regulation 138(3) defines the prescribed day as “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 an election”.

[4] The rules of the CPSU, SPSF Group do not provide a date for the opening of nominations. However, rule 32.1 provides that nominations for offices shall be called fourteen days prior to the meeting at which the election is to be held. Rule 32.2 specifies that Branch Delegates to Federal Council shall be elected at the first meeting of Branch Council and the result is to be declared no later than 25 August. Similarly, rule 32.3 provides that the election of Branch Representative on Federal Executive shall be conducted as soon as practicable after the Branch Councillors take office. Finally, rule 32.4 requires that the election for the Federal Vice President is to be conducted as soon as practicable after Branch Councillors take office. I note that Branch Councillors took office from the declaration of the result of the branch election in May 2016.

[5] The prescribed information was lodged on 22 July 2016; two months after the Branch Councillors took office. If nominations open two months later, on 22 September 2016, this would prevent the election for Branch Representative to Federal Council being conducted so

that the result is declared not later than 25 August. Mr Welch explained that the delay was due to the SPSF Group changing its rules to provide for four year terms, confusion arising from transitional rules and from the timetable of their last election.

[6] I am not satisfied that the above reason is a sufficient ground to justify the failure to comply with a statutory obligation. Having regard to the normal and reasonable expectation that registered organisations take steps to ensure they comply with the time-frame requirements set out not only in the *Fair Work (Registered Organisations) Act 2009* (the Act) but also in instruments or references pertaining to their own governance and formulated by the organisations themselves, I decline on this occasion to allow, under section 189(2) of the Act, a later day for lodgement. I draw the Branch's attention to the fact that the failure to lodge the prescribed information before the prescribed day therefore renders the organisation liable for a civil penalty provision pursuant to section 189(2) of the Act.

[7] The refusal of an extension of time under section 189(2) of the Act does not, however, affect a determination of an election notification matter for the purposes of section 189(3) of the Act.

[8] 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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**[NEEDS THE E NUMBER FOR THE WAPOU BRANCH ELECTIONS]**

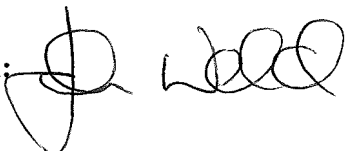
**Notice and Statement of Prescribed Information for an Election**

I, **John Welch** being the Secretary of the CPSU SPSF WAPOU Branch make the following statement:

I am the Secretary of the CPSU SPSF WAPOU Branch,

I am authorised to lodge the following prescribed information concerning forthcoming elections in the WAPOU Branch of the CPSU SPSF, and

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

Signed: 

Dated: 12<sup>th</sup> Aug 2016

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**OFFICES/POSITIONS**

<b>A</b>	<b>Branch Delegate to Federal Council(4) (Collegiate election)</b>
<b>B</b>	<b>Election of Federal Vice President and Executive Member (1) (Collegiate election)</b>

**REASONS FOR ELECTION:**

- The election for these positions are required as the terms of office are due to expire in the normal course of events under the Rules of the CPSU(SPSF)

**ELECTED BY:**

Branch Delegate to Federal Council

- The electorate for the collegiate electoral system for the office marked **A** is all financial members of the Branch Council [Chapter C Rule 37.1(b)]

Federal VP and Federal Executive Member

- The electorate for the collegiate electoral system for the office marked **B** is Delegates to Federal Council from the Branch [Chapter C Rule 37.1(b)]

**NOMINATIONS OPEN**

### Branch Delegate to Federal Council

- For offices marked **A** to be elected by a collegiate election – Nominations are open for at least 14 days. Nominations are called 14 days prior to the meeting [Chapter C rule 32]

### Federal VP and Federal Executive Member

- For the offices marked **B** to be elected by collegiate election – the election must be conducted as soon as practicable after the Branch Councillors take office. Nominations are called 14 days prior to the meeting. [Chapter C Rule 32]

## **NOMINATIONS CLOSE**

### Branch Delegate to Federal Council

- For offices marked **A** to be elected by a collegiate election –Nominations are called 14 days prior to the meeting. Nominations shall close at the meeting or if a postal ballot is to take place at a time and date to be determined by the Returning Officer.( Chapter C Rule 32)

### Federal VP and Federal Executive Member

- For the offices marked **B** to be elected by collegiate election – the election must be conducted as soon as practicable after the Branch Councillors take office. Nominations are called 14 days prior to the meeting. The nominations will close on a date at least 14 days, but no more than 28 days after the notification of the result (Chapter C Rule 32)

## **CUT OFF DATE FOR ROLL**

### Branch Delegate to Federal Council

- For offices marked **A** to be elected by collegiate election – the roll will close on the day of the meeting [Chapter C Rule 37]

### Federal VP and Federal Executive Member

- For the offices marked **B** to be elected by collegiate election – the roll will close on the day of the meeting [Chapter C Rule 37]