



16 June 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

Organisation must respond to the post-election report of the Australian Electoral Commission: E2016/74

On 27 May 2016 the Fair Work Commission (the Commission) received a post election report from the Australian Electoral Commission (AEC) for election E2016/74 dated 27 May 2016. 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, in particular rule(s) 17.2 (e) and 25.1(c). 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 written response must be provided to the AEC

Section 198 of the RO Act requires that a written response is 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)).

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)).

Extract of report and written response 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.

A copy of the organisation's response 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.

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

Yours sincerely

Debbie Ball

Debbie Ball

Assistant Adviser

Regulatory Compliance Branch

The Fair Work Commission

Tel: (03) 8656 4775

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Debbie.Ball@fwc.gov.au

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www.fwc.gov.au



31 May 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

CC: 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 [E2016/74]. This letter is a reminder of certain obligations imposed on organisations and persons elected to office.

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.

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.
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

Debbie Ball
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 orgs@fwc.gov.au.]

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)

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	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>
...							

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

Tel: 08 9272 3222

FWA contact officer: Rachel Price

Email: rachel.price@fwc.gov.au

Tel: Not provided

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s:

E2016/74

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:

Roll of Voters

- CPSU-SPSF Group Rule 17.2 (e) 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.
- CPSU-SPSF Group Rule 25.1 (c) states:
Close of Roll Day shall be a day which is no earlier than 30 days and no later than 7 days **before** the day on which nominations for the election open.

Section 143(3) of the *Fair Work (Registered Organisations) Act 2009* states:

The day provided for in the rules of an organisation as the day on which the roll of voters is to be closed (see paragraph (1)(e)) must be a day no earlier than 30 days, and no later than 7 days, **before** the day on which nominations for the election open.

It is recommended that CPSU-SPSF Group Rule 17.2 (e) be amended to comply with Section 143(3) of the *Fair Work (Registered Organisations) Act 2009*.

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

A handwritten signature in black ink, appearing to read 'Simon Bulloch', written in a cursive style.

Simon Bulloch
Returning Officer
27 May 2016

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

Declaration of Results for Uncontested Offices

E2016/74

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 Councillor (Delegate to Branch Council) - Broome Regional Prison

Candidates

No nomination was received

Branch Councillor (Delegate to Branch Council) - Bandyup Women's Prison (2)

Candidates

DEIMEL, Bernadine
HAMPTON-MEAGHER, Julie

Branch Councillor (Delegate to Branch Council) - Eastern Goldfields Regional Prison

Candidates

PARKER, Steve

Branch Councillor (Delegate to Branch Council) - Greenough Regional Prison (2)

Candidates

No nominations were received

Branch Councillor (Delegate to Branch Council) - Hakea Prison (5)

Candidates

LOUW, Adrian
SMITH, Andrew Wayne
VOSE, Peter
No further nominations were accepted

Branch Councillor (Delegate to Branch Council) - Roebourne Regional Prison

Candidates

OLMAN, Mihaj

Branch Councillor (Delegate to Branch Council) - West Kimberly Regional Prison

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.



Simon Bulloch
Returning Officer

25 May 2016



DECISION

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

CPSU, the Community and Public Sector Union
(E2016/74)

MR ENRIGHT

MELBOURNE, 19 APRIL 2016

Arrangement for conduct of election.

[1] On 15 March 2016 the CPSU, the Community and Public Sector Union, SPSF Group, Western Australian Prison Officers' Union Branch lodged with the Fair Work Commission the prescribed information in relation to an election for offices. Amended prescribed information was lodged on 7 April 2016, and 15 April 2016 for the following offices:

Branch Councillor (Delegate to Branch Council) for the following electorates:

- Broome Regional Prison (1)
- Bandyup Women's Prison (2)
- Eastern Goldfields Regional Prison (1)
- Greenough Regional Prison (2)
- Hakea Prison (5)
- Roebourne Regional Prison (1)
- West Kimberley Regional Prison (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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Notice and Statement of Prescribed Information for an Election

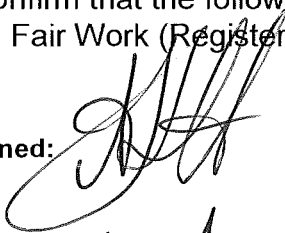
I, **Andrew Smith** being the Acting Secretary of the CPSU SPSF WAPOU Branch in the absence of the Secretary make the following statement:

I am the Acting 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: 15th APRIL 2016

Offices/Positions

	Delegates to Branch Council
A	Broome (1):
	Bandyup (2)
	Eastern Goldfields (1)
	Greenough (2)
	Hakea (5)
	Roebourne (1)
	West Kimberley Regional Prison (1)
B	Academy (1)
	SOG (formerly ESG) (1)
	Wando (1)
	Work Camps (1)

C	Acacia (1) (resignation of K Fallens)
	Boronia (1) (resignation of B Harris)
	Karnet (1) (resignation of R O'Mara)
	Pardelup (1) (resignation of B Stone)
	Wooroloo (2) (resignation of G Rossiter and T Gardener)

Reasons for election:

- Election for positions marked A are elections being required under CPSU – Chapter C Schedule B Rule 25.3 Transitional Provisions (Northern Region Sub-Branches).
- Election for offices marked B are to fill positions not filled in the last round of elections.
- Elections for positions marked C are to fill vacancies created by resignation.

Elected by:

- For all the positions under A, B and C the electorate is all financial members of each Sub Branch as identified below is a table of these Sub Branches. The list identifies the total number of financial members for each Sub-Branch as at March 31st 2016 as per Rule 8.1.

Broome	34		Greenough	159		Acacia	180
SOG (ESG)	62		Hakea	401		Bandyup	153
Boronia	38		Academy	6		Work Camps	18
Wandoo	22		Wooroloo	132		Roebourne	74
Eastern Goldfields	77		WKRP	87		Pardelup	38

Nominations open:

At the earliest permissible date (Rule 17.2 Rules of the CPSU—SPSF Group Rules)

Nominations close:

At 12 noon, on the earliest permissible date (Rule 17.2 CPSU—SPSF Group Rules)

Cut off date for roll:

As directed by the Returning Officer under (Rule 17.2 CPSU==SPSF Group Rules)

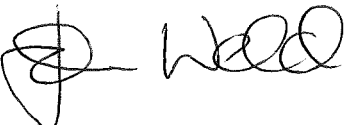
Notice and Statement of Prescribed Information for an Election

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: 7th April 2016

Offices/Positions

	Delegates to Branch Council:
A	Broome (1)
	Bandyup (2)
	Eastern Goldfields (1)
	Greenough (2)
	Hakea (5)
	Roebourne (1)
	WKRP(1)
B	Academy (1)
	SOG (formerly ESG) (1)
	Wandoo (1)
	Workcamps (1)
C	Acacia (1) (resignation of K Fallens)

	Boronia (1) (Resignation of B Harris)
	Karnet (1) (Resignation of R O'Mara)
	Wooroloo (2) (resignations of G Rossiter and T Gardiner)

Reasons for election:

Election for positions marked A are elections being required under CPSU – Chapter C Schedule B Rule 25.3 Transition Provisions (Northern Region Sub-Branches)

Election for offices and positions marked B are to fill positions not filled in the last round of elections.

Election for positions marked C are to fill vacancies created by resignations.

Elected by:

For all the positions under A, B and C the electorate is all financial members of each Sub Branch identified - below is a table of these Sub Branches. This list identifies the total number of financial members for each branch as at March 31st 2016 as per Rule 8.1.

Broome	34	Greenough	159	Acacia	180
SOG (ESG)	62	Hakea	401	Bandyup	153
Boronia	38	Academy	6	Work Camps	18
Wandoo	22	Wooroloo	132	Roebourne	74

Nominations open:

At the earliest permissible date (Rule 17.2 Rules of the CPSU - SPSF rules)

Nominations close:

At 12 noon, on the earliest permissible date (Rule 17.2 CPSU - SPSF Group Rules)

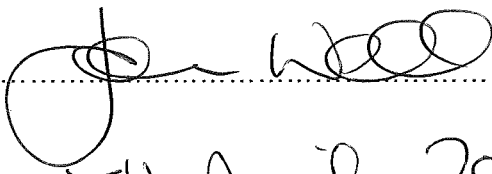
Cut-off date for roll:

As directed buy the Returning Officer under Rule 17.2 CPSU – SPSF Group Rules)

**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, JOHN WELCH, being the BRANCH SECRETARY of the COMMUNITY AND PUBLIC SECTOR UNION/SPSF WESTERN AUSTRALIAN PRISON OFFICERS (WAPOU) BRANCH, 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*:
 - 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.

Signed: 
Dated: 7th April 2016

[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.]

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	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
WAPOU Branch	7/09/2015	Wooroloo Delegate to Branch Council	Travis GARDENER	resigned as Delegate			

**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, JOHN WELCH, being the BRANCH SECRETARY of the COMMUNITY AND PUBLIC SECTOR UNION/SPSF WESTERN AUSTRALIAN PRISON OFFICERS (WAPOU) BRANCH, 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*:
 - 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.

Signed: 

Dated: 23rd March 2016

[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.]

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	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
WAPOU Branch	7.01.2014	Delegate to Branch Council	Rodney O'MARA	resigned			
	10.02.2015	Delegate to Branch Council	Geoffrey ROSSITER	resigned			
...	10.02.2015	Delegate to Branch Council	Bernadette HARRIS	resigned			
	30.04.2015	Delegate to Branch Council	Mark DARBYSHIRE	resigned			
	20.05.2015	Delegate to Branch Council	Kim FALLENS	resigned			
	17.06.2015	Delegate to Branch Council	Peter NIELD	resigned			
	17.06.2015	Delegate to Branch Council	Aaron RYAN	resigned			
	2.12.2015	Delegate to Branch Council	Gavin ANSELL	resigned			

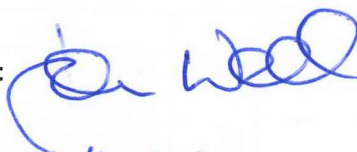
Notice and Statement of Prescribed Information for an Election

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: 10th March 2016

Offices/Positions

A	Branch Councillors:
	Broome (1)
	Bandyup (2)
	Eastern Goldfields (1)
	Greenough (2)
	Hakea (4)
	Roebourne (1)
	WKRP (1)
B	Acacia (1)
	Academy (1)
	Boronia (1)
	Karnet (1)
	SOG (1)
	Wandoo (1)
	Wooroloo (2)
	Work Camps (1)

Reasons for election:

Election for offices and positions marked A elections being required under CPSU – Chapter C Schedule B Rule 25 Transition Provisions.

Election for offices and positions marked B are to fill positions not filled in the last round of elections and also to fill vacancies created by the resignation of Councillors.

Elected by:

For positions under A the electorate all financial members of WAPOU Branch (rule 7.5).

For the positions under B the electorate is all financial members of each Sub Branch where there are vacancies (rules 6.2(b) and 8.1) - below is a list of these Sub Branches. This list identifies the total number of financial members for each branch.

A				B			
Broome	38	Hakea	382	Acacia	167	SOG	63
Bandyup	143	Roebourne	72	Academy	7	Wandoo	21
EGRP	76	WKRK	84	Boronia	38	Wooroloo	129
Greenough	148			Karnet	128	Work Camps	18

Nominations open:

For offices to elected by direct voting system – at the earliest permissible date (Rule 25 of SCHEDULE B - WAPOU BRANCH Rules of the CPSU - SPSF Group - Western Australian Prison Officers' Union (WAPOU) Branch)

Nominations close:

For offices to be elected by direct voting system - 12 noon, on the earliest permissible date (Rule 25 of SCHEDULE B - WAPOU BRANCH Rules of the CPSU - SPSF Group - Western Australian Prison Officers' Union (WAPOU) Branch)

Cut-off date for roll:

In all cases - 7 clear days prior to the opening date for nominations (Rule 57E)