

24 October 2017



Mr. Matthew Colley
Returning Officer
AEC
Perth Office
200 St Georges Terrace
Perth 6000

BY E-MAIL

Dear Mr. Colley

E2017/130 CPSU, SPSF Group WAPOU Branch - 29 September 2017 Post Election Report

Response for the purposes of s198 of the Fair Work (Registered Organisations) Act 2009 ("RO Act")

I refer to your post election report dated 29 September 2017 and note that on pages 3 and 4 you make some adverse comments concerning the rules of the CPSU (SPSF) and its Branch.

I will deal with each reported rule in turn:

Roll of Voters – Chapter C Rule 17.2(e) and Rule 25.1(c)

Response: We are aware of the inconsistency between the wording of Rule 17.2(e) and s143(c) of the RO Act and have already moved resolutions of each of the executive bodies of the CPSU to amend this error.

Chapter A and C of the CPSU rules require that any rule change be approved by the Federal Executive and Council of SPSF Group and by the National Officer's Committee of the CPSU

On Thursday 19 October the National Officer's Committee approved a resolution to amend Rule 17.2(e). This follows earlier resolutions by the Federal Council and Executive of the SPSF Group.

We anticipate lodging the documents to the Fair Work Commission to approve this rule change within two weeks.

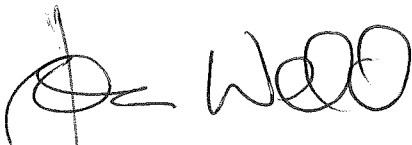
Candidate Statements – redundancy of WAPOU Branch rule 23.2

Response: the Federal Executive of the CPSU (SPSF) will give some consideration to a rule change to either the Branch or Chapter C rule to harmonise the regulation of candidate statements.

Next Steps

We will make your report and this response available members in a manner which complies with s198 (3) and (4). In due course, we will file the necessary documents with the Registered Organisations Commission in a manner consistent with s198 (6).

If you have any questions or comments concerning the remedial action the Group or Branch intend to take in relation to these rules please contact me on (08)9272 3222.

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

John Welch
Branch Secretary
WAPOU Branch



10 October 2017

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: E2017/130

On 29/09/2017 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2017/130 dated 29/09/2017. 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 a number of rules that were difficult to interpret or apply. 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 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)).

A written response must be provided to the AEC

A written response must be 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)).

Extract of report 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.

Written response must be made available to members

A copy of the organisation's response to the AEC 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 ROC 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 ROC for assistance by email to regorgs@roc.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 ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

Christine Hibberd

Registered Organisations Commission

29 September 2017

Post-election Report

**CPSU, the Community and Public Sector Union, SPSF
Group, Western Australian Prison Officers' Union Branch
E2017/130**

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Election(s) Covered in this Report

Election Decision No/s: E2017/130

Rules

Rules used for the election: 090V: Incorporates alterations of 29/04/1976 [D2015/58]
Replaces rulebook dated 11/12/15 [R2015/231]; and

090V - SPSF: Incorporates alterations of 23/12/2015 (R2015/253)
Replaces rulebook dated 11/12/15 [R2015/231]

Rules difficult to apply/interpret:

Roll of Voters

- CPSU-SPSF Chapter C Group Rule 17.2(e) in reference to the election notice 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 Chapter C 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 Chapter C Group Rule 17.2(e) be amended to comply with Section 143(3) of the *Fair Work (Registered Organisations) Act 2009*.

Candidate Statements

- WA Branch Rule 1 states:
These rules are in addition to the federal rules of CPSU, the Community and Public Sector Union and shall apply to the Western Australian Branch so far as they are not in conflict with the federal rules.

- WA Branch Rule 23.1 states in part:
Every election required by these rules shall be conducted in accordance with Chapter C the Federal Rules.
- WA Branch Rule 23.2 states:
WAPOU Branch policy may provide for candidates' information of a prescribed form to accompany ballot papers issued in the conduct of a Branch election.
- CPSU-SPSF Chapter C Group Rule 28 Provides for Candidate Statements.

WA Branch Rule 23.2 becomes redundant due to the application of WA Branch Rules 1 and 23.1, and CPSU-SPSF Chapter C Group Rule 28.

Module Rule reference (if any) N/A

Roll of Voters

Total number of voters on the Roll:	2342 (353 of which belong the Casuarina Prison Sub-Branch)
Number of apparent workplace addresses:	0
Number of non-current addresses:	13
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

Other Matters

Nil

Attachments

- 1) Declaration of Results for Contested and Uncontested Offices - WA



Matthew Colley
Returning Officer

29 September 2017



28 September 2017

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: Federal Secretary, kbatt@cpsu.org

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of uncontested/contested offices for SPSF Group, Western Australian Prison Officers' Union Branch [E2017/130]. 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 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires 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 are provided for in the RO Act.

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.

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

Christine Hibberd
Registered Organisations Commission

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 operation:
 1. *[include name of each new branch]*
 2. ...
 - CEASED operation:
 1. *[include name of each closed branch]*

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)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to regorgs@roc.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	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</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>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>...</i>						
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</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>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>...</i>						

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

Declaration of Results for Contested and Uncontested Offices

E2017/130

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 Executive

Total number of names on the roll of voters	2342
Ballot papers issued	2342
Replacement ballot papers issued	0
Total Ballot Papers Issued	2342
Ballot papers / envelopes returned for scrutiny	639
Less ballot papers / envelopes rejected at preliminary scrutiny	18
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	621
Percentage of ballot papers returned to number issued	27
Ballot papers returned as unclaimed mail	29
Ballot papers not returned	1674

Absolute Majority = $618 + 1 = 310$

$\frac{2}{}$

Branch Executive Member

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
KENNEDY, Terry	114	199
RALPH, Ian Bruce	56	0
MOAR, Andrew	94	0
SZUMSKYJ, Stepan	99	0
BUSCUMB, Michael	120	0
VANPRAAG, James	135	243
Exhausted Votes		176
Loss/Gain by Fraction		0
Total votes	618	442
Formal ballot papers	618	618
Informal ballot papers	3	3

I declare James Vanpraag elected.

Branch Council (Delegate to Branch Council) – Casuarina Prison

Total number of names on the roll of voters	353
Ballot papers issued	353
Replacement ballot papers issued	0
Total Ballot Papers Issued	353
Ballot papers / envelopes returned for scrutiny	171
Less ballot papers / envelopes rejected at preliminary scrutiny	7
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	164
Percentage of ballot papers returned to number issued	48
Ballot papers returned as unclaimed mail	2
Ballot papers not returned	180

$$\text{Quota} = \frac{162}{3 + 1} + 1 = 41$$

Branch Councillor (Delegate to Branch Council) - Casuarina Prison (3)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
SCAREY, Scott	3	0
SHEEHAN, Robert	21	45
VANPRAAG, James*	48	0
SZEREMENDA, Tahnee	4	5
RYAN, Aaron	42	41
SZUMSKYJ, Stepan	16	25
KENNEDY, Terry	28	41
Exhausted Votes		5
Loss/Gain by Fraction		0
Total votes	162	157
Formal ballot papers	162	162
Informal ballot papers	2	2

* James Vanpraag has been elected to the office of Branch Executive Member. In accordance with Rules 21 and 42 of the CPSU, the Community and Public Sector Union; Chapter C - SPSF Group Rules Mr Vanpraag's candidature has lapsed and his preferences have been allocated to the continuing candidates.

I declare Terry Kennedy, Aaron Ryan and Robert Sheehan elected.

Branch Councillor (Delegate to Branch Council) - Pardelup

Candidates

MCCANN, John

I declare John McCann elected.

Branch Councillor (Delegate to Branch Council) - Wooroloo

Candidates

BUSCUMB, Michael

I declare Michael Buscumb elected.

Branch Councillor (Delegate to Branch Council) - Hakea Prison

Candidates

No nomination was received

No candidates elected.

Branch Councillor (Delegate to Branch Council) - Academy

Candidates

No nomination was received

No candidates elected.

Branch Councillor (Delegate to Branch Council) - Boronia

Candidates

No nomination was received

No candidates elected.

Branch Councillor (Delegate to Branch Council) - Karnet

Candidates

FORD, Anthony

I declare Anthony Ford elected.

Branch Councillor (Delegate to Branch Council) - Wandoo

Candidates

KNOTT, Isobella

I declare Isobella Knott elected.



Matthew Colley
Returning Officer
Australian Electoral Commission

27 September 2017



DECISION

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

CPSU, the Community and Public Sector Union (E2017/130)

MR ENRIGHT

MELBOURNE, 13 JUNE 2017

Arrangement for conduct of election.

[1] On 26 April 2017 the CPSU, the Community and Public Sector Union, SPSF Group, Western Australian Prison Officers' Union Branch lodged with the Registered Organisations Commission (the Commission) prescribed information for an election. Following consultation with staff of the Commission, replacement prescribed information was lodged on 9 June 2017 to fill casual vacancies in the following offices for the remainder of the term:

Branch Executive Member
Branch Councillor (Delegate to Branch Council) from the following electorates:
Casuarina (3)
Pardelup
Wooroloo
Hakea

[2] The replacement prescribed information lodged on 9 June 2017 was also to fill the following offices, due to insufficient nominations received in a previous election:

Branch Councillor (Delegate to Branch Council) from the following electorates:
Academy
Boronia
Karnet
Wandoo

[3] 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 COMMISSIONER

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Notice and Statement of Prescribed Information for an Election

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

I am the Secretary of the CPSU SPSF Group WAPOU Branch,

I am authorised to lodge the following prescribed information concerning forthcoming elections in the WAPOU Branch 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.

Signed: 

Dated: 8th June 2017

Offices/Positions

A	<u>Branch Executive:</u>
	Executive Member (1) (Resignation of [REDACTED])
B	<u>Delegates to Branch Council (remaining vacant from previous elections)</u>
	Academy (1)
	Boronia (1)
	Karnet (1)
	Wandoo (1)
C	<u>Delegates to Branch Council (caused by resignations)</u>
	Casuarina (3) (resignation of [REDACTED])
	Pardelup (1) (resignation of [REDACTED])
	Wooroloo (1) (resignation of [REDACTED])
	Hakea (1) (resignation of [REDACTED])

Reasons for election:

Election for position marked A is the vacant Executive Member position caused by the resignation of [REDACTED]

Election for positions marked B are to fill positions that have remained vacant from previous elections.

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

Elected by:

For the position under A the electorate is all financial members of the WAPOU Branch.

The positions under B and C are elected by the financial members of each identified Sub-Branch.

Below is a table of these Sub-Branches. This list identifies the total number of financial members for each Sub-Branch as at April 26th 2017.

Academy	11	Casuarina	362
Boronia	34	Pardelup	38
Hakea	379	Wooroloo	118
Karnet	126		
Wandoo	24		

Under Rule 44 ((Rules of the CPSU – SPSF Group Rules) **Casual Vacancies** the election shall be "...conducted using so far as is practicable the same mode of election as is prescribed by these rules for election that office"

Nominations open:

Rule 19.1 Nominations for all offices will be open for at least 14 days (Rules of the CPSU - SPSF Group Rules)

Nominations close:

Rule 19.2 Nominations will close at 12 noon on the last day of the 14 (Rules of the CPSU - SPSF Group Rules)

Cut-off date for roll:

As directed by the Returning Officer under Rule 25.1(c) CPSU – SPSF Group Rules)