



## DECISION

*Fair Work (Registered Organisations) Act 2009*  
s.159—Alteration of other rules of organisation

### **CPSU, the Community and Public Sector Union** (R2019/48)

MURRAY FURLONG

MELBOURNE, 24 JULY 2019

*Alteration of other rules of organisation.*

**[1]** On 3 May 2019 the SPSF Group New South Wales Branch of the CPSU, the Community and Public Sector Union (the NSW Branch) lodged with the Fair Work Commission a notice and declaration setting out particulars of alterations to its rules. Additional information regarding the transaction of the alterations was provided on 29 May 2019.

**[2]** The particulars set out alterations to the following CPSU, SPSF Group, New South Wales Branch Rules:

- 2 – Registered Organisation
- 3 – Interpretation
- 4 – Admission to Membership
- 5 – Constitution of Branch Council
- 6 – Branch Officers
- 7 – Quorum of Branch Executive
- 8 – Branch Fund
- 9 – Postal Ballot of Branch Executive and Branch Council
- 10 – General and Special Meetings
- 11 – Industry and Advisory Bodies
- 12 – Local Representatives
- 13 – Branch Associates
- 14 – Election of Branch Officers and Delegates to Branch Council
- 15 – Seniority of Vice-Presidents
- 16 – Elections of Delegates to Federal Election

**[3]** The particulars also deleted the following Rules:

- 17 – Special Transitional Rules
- Part B – Rules for the Operation of the Sub-Branch

**[4]** The particulars also insert a new Rule 17 – Transition Rule up to the 2020 Election.

### **Removal of Sub-Branch No. 1**

[5] The deletion of Part B removes all rules which provide for and relate to the operation of the SPSF Group NSW Sub-Branch No. 1 (the Sub-Branch). The alterations to Rules 2, 4, 5, 6, 7, 8, 9, 12, 14 and 16 also remove references to the Sub-Branch.

[6] The NSW Branch submitted that of the 34,728 NSW Branch members, only 300 members belong to the Sub-Branch. Mr Little, Branch Secretary, further submitted that since his election to office in 2017, the Sub-Branch has been inactive. In addition, correspondence discovered by the CPSU dating from 2015 states that the Sub-Branch intended to dissolve at its 2016 AGM and had requested that the NSW Branch undertake the relevant rule changes and process for this dissolution of the Sub-Branch. Some time prior to the 2016 elections all officers of the Sub-Branch resigned. Rule 7 of the NSW Branch Rules requires that no business specifically relating to the affairs or operation of the Sub-Branch shall be transacted unless the said quorum includes the Branch Assistant Secretary Sub-Branch. No further steps were taken to amend the rules to dissolve the Sub-Branch and remove it from the NSW Branch Rules as the quorum requirement within NSW Branch Rule 7 could not be achieved. In late 2018/early 2019, a casual vacancy election was held for the delegate positions for Sub-Branch members on the Branch Council. All positions were declared in February 2019. Therefore the required quorum could be met and steps can be taken to remove the dissolved Sub-Branch.

[7] These alterations raised questions as to their consistency with the general requirements of the rules of an organisation as set out in section 142 of the Fair Work (Registered Organisations) Act 2009 (the RO Act), which requires that an organisation's rules must not be contrary to, or fail to make a provision required by the RO Act. Such provisions include the standards set out in section 5 of this Act. On 31 May 2019, the NSW Branch submitted:

The Sub-branch has been inactive for some years. During that time, Sub-Branch members have been active in the Branch proper on a de facto basis. Should the Delegate certify these changes the Sub-Branch Members will form part of the Branch, the members from within the Sub-Branch coverage have always been integrated within the PSANSW.

[8] These submissions satisfy me that the alteration is not contrary to section 142 of the RO Act.

### **Other Alterations**

[9] The alteration to Rule 2 identifies the correct legislative reference by including the *Fair Work Act 2009* (the Act) and removes any record keeping requirements for the Sub-Branch.

[10] The alteration to Rule 3 updates reference to out-dated legislation.

[11] The alteration to Rule 5 removes the Sub-Branch positions on the Branch Council. Alterations also re-format existing sub-rules.

[12] The alterations to Rule 6 remove Branch Officer positions which are reserved for the Sub-Branch.

[13] The alterations to Rule 8 allow two members of the Branch Executive to authorise payment by a system of funds transfer.

[14] The alteration to Rule 9 updates how out of session decisions can be made by the Branch Council and Branch Executive. These are now to be made in the terms specified in Chapter C of the CPSU Rules.

[15] The alterations to Rule 10 re-number existing sub-rules and allow the Chairperson to notify the Branch Secretary of the number of members recorded at voting by any means.

[16] The alterations to Rule 13 re-number and re-format existing sub-rules as well as updating cross-references to Chapter C of the CPSU Federal Rules.

[17] The alterations to Rule 14 update the reference to Chapter C of the CPSU Federal Rules in regards to eligibility to nominate for Branch Office positions. Alterations also remove an office of Branch Assistant Secretary. The removal of this office is to bring consistency between the number of Assistant Secretary positions in the NSW Branch and the Associated body, The Public Service Association and Professional Officers Association Amalgamated Union of New South Wales. Transitional provisions have been introduced within a new Rule 17 which allows for the preservation of offices till the 2020 Election. Alterations also re-number existing sub-rules.

[18] The deletion of Rule 17 removes out-dated special transitional rule from 1993.

[19] On the information contained in the notice and provided on 29 May 2019, I am satisfied the alterations have been made under the rules of the organisation.

[20] On 31 May 2019, Troy Wright, Acting Branch Secretary, gave consent, under subsection 159(2) of the *Fair Work (Registered Organisations) Act 2009*, for the Delegate to make various amendments to the alterations for the purpose of correcting typographical, clerical or formal errors. Accordingly the following corrections have been made:

- **Rule 5.2:** Within the proposed Rule 5.2 a colon(":") should be included after the words "who work in";
- **Rule 6.4:** Within the proposed Rule 6.4 a full-stop should appear after the word "Secretary";
- **Rule 8.2:** Within the proposed Rule 8.2, the letters 'rt' have been included. The letters "rt" should be deleted;
- **Rule 13.1:** Within the proposed Rule 13.1 a colon(":") should be included after the words "Branch Associate including" and a full-stop (".") should appear at the end of the sentence at 13.1(c);
- **Rule 13.1 and 13.2:** At the end of Rule 13.1, the following sentence is included "In addition, the following persons shall be entitled to be admitted as Associates of the Branch if not otherwise eligible for membership of the Group:" That sentence should be deleted from the end of Rule 13.1 and included at the start of Rule 13.2;
- **Rule 13.3:** Within the proposed Rule 13.3 a full-stop(".") should appear at the end of the sentence at 13.3(c);
- **Rule 14.1(b):** the words "the term of the office and" should be deleted;

- **Rule 14.2(b):** the words "the term of the office and" should be deleted;
- **Rule 14.3:** Within the proposed Rule 14.3 a full-stop(".") should appear at the end of the sentence at 14.3(b)(ii);
- **Rule 14.4:** Within the proposed Rule 14.4 a full-stop(".") should appear at the end of the sentence at 14.4(b)(ii);
- **Rule 14.5:** Within the proposed Rule 14.5 a full-stop should be removed from the end of 14.5(b), which should now read" ... nominate for Branch Council:";

[21] On 4 July 2019, Stewart Little, Branch Secretary, gave consent, under subsection 159(2) of the *Fair Work (Registered Organisations) Act 2009*, for the Delegate to make various amendments to the alterations for the purpose of correcting typographical, clerical or formal errors. Accordingly the following corrections have been made:

- **Rule 12.4:** the 'or' appearing between the words "...Executive may..." should be deleted. The rule should be amended to read: "The Branch Executive may..."
- **Rule 14.4(b):** the word 'Vice' should appear between the words 'Branch President'. Rule 14.4(b) should be amended to read: "Read 20.7 of Chapter C of the Federal Rules sets out who is eligible to nominate for Branch Vice President."

[22] In my opinion, the alterations comply with and are not contrary to the *Fair Work (Registered Organisations) Act 2009*, the *Fair Work Act 2009*, modern awards and enterprise agreements, and are not otherwise contrary to law. I certify accordingly under subsection 159(1) of the *Fair Work (Registered Organisations) Act 2009*.



DELEGATE OF THE GENERAL MANAGER

< PR708848 >

**Fair Work Commission**

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

**R2019/48**

**CONSENT OF STEWART LITTLE, BRANCH SECRETARY OF THE CPSU(SPSF)  
NSW BRANCH IN ACCORDANCE WITH SECTION 159(2) OF THE *FAIR WORK  
(REGISTERED ORGANISATIONS) ACT 2009***

I, **STEWART LITTLE** of **160 CLARENCE ST, SYDNEY NSW 2000** am the **BRANCH SECRETARY** of the **CPSU, THE COMMUNITY AND PUBLIC SECTOR UNION (SPSF GROUP) NEW SOUTH WALES BRANCH** and am authorised to give consent under section 159(2) of the *Fair Work (Registered Organisations) Act 2009* to the General Manager (or her Delegate) to amend the alteration for the purpose of correcting a typographical, clerical or formal error.

Alterations to the rules of the **CPSU, THE COMMUNITY AND PUBLIC SECTOR UNION (SPSF GROUP) NEW SOUTH WALES BRANCH** were notified to the Fair Work Commission on **3 MAY 2019**. I give consent for the General Manager to amend the alterations for the purpose of correcting the following typographical, clerical or formal error[s]:

1. **Rule 12.4:** the ‘or’ appearing between the words “...Executive may...” should be deleted. The rule should be amended to read: “The Branch Executive may...”
2. **Rule 14.4(b):** the word ‘Vice’ should appear in between the words ‘Branch President’. Rule 14.4(b) should be amended to read: “Rule 20.7 of Chapter C of the Federal Rules sets out who is eligible to nominate for Branch Vice President.”

SIGNED: 

DATE: 4/7/19

**STEWART LITTLE, BRANCH SECRETARY  
NEW SOUTH WALES BRANCH  
CPSU, THE COMMUNITY AND PUBLIC SECTOR UNION (SPSF GROUP)**

## HOATH, Rebekah

---

**From:** Mark Perica <mark@spsf.asn.au>  
**Sent:** Thursday, 4 July 2019 11:24 AM  
**To:** HOATH, Rebekah  
**Cc:** Stewart Little; Blake Stephens  
**Subject:** RE: CPSU - SPSF Group - NSW Branch - Rule alteration Application - R2019/48 - typographical, clerical or formal errors [SEC=UNCLASSIFIED]  
**Attachments:** 4julyfurtherconsentoflittle.pdf

Rebekah

The NSW comrades have broken all response records and have sent me back the form signed by Stewart Little, the Branch Secretary today

Let me know if there is anything else I can assist you with

**Perica**

---

**From:** HOATH, Rebekah <Rebekah.Hoath@fwc.gov.au>  
**Sent:** Thursday, 4 July 2019 10:37 AM  
**To:** Mark Perica <mark@spsf.asn.au>  
**Cc:** Blake Stephens <BStephens@psa.asn.au>; Stewart Little <slittle@psa.asn.au>  
**Subject:** RE: CPSU - SPSF Group - NSW Branch - Rule alteration Application - R2019/48 - typographical, clerical or formal errors [SEC=UNCLASSIFIED]

Hi Mark,

Thank you for your email and prompt response.

I have had a look over the draft Consent of Authorised Officer form is it looks fine.

I look forward to receiving the signed form when available.

Many thanks.

Kind regards,

**Rebekah Hoath**

Advisor, Registered Organisations Section

Fair Work Commission  
Tel: 03 8656 4824  
Fax: 03 9655 0410  
[rebekah.hoath@fwc.gov.au](mailto:rebekah.hoath@fwc.gov.au)

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The Fair Work Commission acknowledges that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander peoples. We acknowledge their continuing connection to country and pay our respects to their Elders past, present and emerging.

---

**From:** Mark Perica <[mark@spsf.asn.au](mailto:mark@spsf.asn.au)>  
**Sent:** Wednesday, 3 July 2019 6:13 PM  
**To:** HOATH, Rebekah <[Rebekah.Hoath@fwc.gov.au](mailto:Rebekah.Hoath@fwc.gov.au)>  
**Cc:** Blake Stephens <[BStephens@psa.asn.au](mailto:BStephens@psa.asn.au)>; Stewart Little <[slittle@psa.asn.au](mailto:slittle@psa.asn.au)>  
**Subject:** RE: CPSU - SPSF Group - NSW Branch - Rule alteration Application - R2019/48 - typographical, clerical or formal errors [SEC=UNCLASSIFIED]

Hi again Rebekah

Here is a draft which seeks to give consent to the alterations you nominate. Once you have approved of the form I will have an authorised person sign it

**MP**

---

**From:** Mark Perica  
**Sent:** Wednesday, 3 July 2019 5:58 PM  
**To:** HOATH, Rebekah <[Rebekah.Hoath@fwc.gov.au](mailto:Rebekah.Hoath@fwc.gov.au)>  
**Subject:** Re: CPSU - SPSF Group - NSW Branch - Rule alteration Application - R2019/48 - typographical, clerical or formal errors [SEC=UNCLASSIFIED]

Thanks Rebekah

As usual I will do a draft for you to approve and then I will get KB to sign it

**MP**

Sent from my iPhone

On 3 Jul 2019, at 4:45 pm, HOATH, Rebekah <[Rebekah.Hoath@fwc.gov.au](mailto:Rebekah.Hoath@fwc.gov.au)> wrote:

Hi Mark,

I hope this finds you well.

Firstly, I apologise in my delay in bringing this to your attention. I have found some additional typographical, clerical or formal errors within the provided Amended NSW Branch Rule book.

These are as follows:

- Within the proposed **Rule 12.4** the 'or' appearing between the words "...Executive may.." should be deleted, therefore this rule should read "The Branch Executive may..."
- Within the proposed **Rule 14.4** the word 'Vice' should appear in between the words 'Branch President', therefore **14.4(b)** should read "**Rule 20.7** of Chapter C of the Federal Rules sets out who is eligible to nominate for Branch Vice President."

As before, these errors can be corrected as per section 159(2) of the Fair Work (Registered Organisations) Act 2009. Please kindly have an authorised officer complete a Consent of Authorised Officer form to enable us to correct the above errors. I have attached a sample Consent of Authorised Officer form for your convenience.

Many thanks Mark. And again my apologies in missing these errors in the first instance.

Kind regards,

**Rebekah Hoath**

Advisor, Registered Organisations Section



Fair Work Commission  
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<Sample consent under section 159(2).docx>

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**Attachments:** Second litte consent for typos form under section 159(2).docx

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**Rebekah Hoath**

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Fair Work Commission

Fair Work (Registered Organisations) Act 2009

R2019/48

CONSENT OF TROY WRIGHT, ACTING BRANCH SECRETARY OF THE  
CPSU(SPSF) NSW BRANCH, IN ACCORDANCE WITH SECTION 159(2) OF THE  
*FAIR WORK (REGISTERED ORGANISATIONS) ACT 2009*

I, TROY WRIGHT of 160 CLARENCE ST, SYDNEY NSW 2000 am the ACTING BRANCH SECRETARY of the CPSU, THE COMMUNITY AND PUBLIC SECTOR UNION (SPSF GROUP) NEW SOUTH WALES BRANCH and am authorised to give consent under section 159(2) of the *Fair Work (Registered Organisations) Act 2009* to the General Manager (or her Delegate) to amend the alteration for the purpose of correcting a typographical, clerical or formal error.

Alterations to the rules of the CPSU, THE COMMUNITY AND PUBLIC SECTOR UNION (SPSF GROUP) NEW SOUTH WALES BRANCH were notified to the Fair Work Commission on 3 MAY 2019. I give consent for the General Manager to amend the alterations for the purpose of correcting the following typographical, clerical or formal error[s]:

1. **Rule 5.2:** Within the proposed Rule 5.2 a colon (":") should be included after the words "who work in";
2. **Rule 6.4:** Within the proposed Rule 6.4 a full-stop should appear after the word "Secretary";
3. **Rule 8.2:** Within the proposed Rule 8.2, the letters 'rt' have been included. The letters "rt" should be deleted.
4. **Rule 13.1:** Within the proposed Rule 13.1 a colon (":") should be included after the words "Branch Associate including" and a full-stop (".") should appear at the end of the sentence at 13.1(c);
5. **Rule 13.1 and 13.2:** At the end of Rule 13.1, the following sentence is included "In addition, the following persons shall be entitled to be admitted as Associates of the Branch if not otherwise eligible for membership of the Group:" That sentence should be deleted from the end of Rule 13.1 and included at the start of Rule 13.2.



6. **Rule 13.3:** Within the proposed Rule 13.3 a full-stop (“.”) should appear at the end of the sentence at 13.3(c);
7. **Rule 14.1(b):** the words “the term of the office and” should be deleted
8. **Rule 14.2(b):** the words “the term of the office and” should be deleted
9. **Rule 14.3:** Within the proposed Rule 14.3 a full-stop (“.”) should appear at the end of the sentence at 14.3(b)(ii);
10. **Rule 14.4:** Within the proposed Rule 14.4 a full-stop (“.”) should appear at the end of the sentence at 14.4(b)(ii);
11. **Rule 14.5:** Within the proposed Rule 14.5 a full-stop should be removed from the end of 14.5(b), which should now read “...nominate for Branch Council.”;

SIGNED: Troy Wright

DATE: 31 May 2019

**TROY WRIGHT, ACTING BRANCH SECRETARY**

**NEW SOUTH WALES BRANCH**

**CPSU, THE COMMUNITY AND PUBLIC SECTOR UNION (SPSF GROUP)**

## HOATH, Rebekah

---

**From:** Mark Perica <mark@spsf.asn.au>  
**Sent:** Friday, 31 May 2019 4:03 PM  
**To:** HOATH, Rebekah  
**Cc:** Troy Wright; Blake Stephens  
**Subject:** Typo correction consent form for CPSU SPSF NSW Rules  
**Attachments:** 31052019142436-0001.pdf; ATT00001.txt

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Rebekah

Thanks for your e mail of today. We attach the s159(2) correction consent form signed by Troy Wright the Branch Assistant Secretary - who is authorised to give the consent

Any questions please contact me. Thank you again for your quick work.

Mark Perica  
Senior Legal Officer  
CPSU(SPSF)

## HOATH, Rebekah

---

**From:** HOATH, Rebekah  
**Sent:** Friday, 31 May 2019 1:01 PM  
**To:** Mark Perica  
**Cc:** Stewart Little; 'Blake Stephens'; Wayne Townsend  
**Subject:** RE: CPSU - SPSF Group - NSW Branch - Rule alteration Application - R2019/48 - Additional information [SEC=UNCLASSIFIED]

**Security Classification:**  
UNCLASSIFIED

Hi Mark,

Thank you for your email and providing the additional information that I required. Much appreciated.

In regards to the errors within Rules 14.1 and 14.2, the provided explanation is sufficient for use to include the errors as typographical, formal or clerical errors as defined within the Act.

I have reviewed this attached draft consent of authorised Officer form and it looks to include all the required information. We look forward to receiving the signed copy when available.

Many thanks Mark.

Kind regards,

**Rebekah Hoath**

Advisor, Registered Organisations Section

Fair Work Commission  
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**Sent:** Wednesday, 29 May 2019 1:55 PM  
**To:** HOATH, Rebekah  
**Cc:** Stewart Little; 'Blake Stephens'; Wayne Townsend  
**Subject:** RE: CPSU - SPSF Group - NSW Branch - Rule alteration Application - R2019/48 - Additional information [SEC=UNCLASSIFIED]

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**CPSU, SPSF GROUP NSW BRANCH RULES**

**PART A RULES FOR THE OPERATION OF THE BRANCH AS A WHOLE**

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**1. NAME**

The name of the Branch shall be the CPSU, the Community and Public Sector Union SPSF Group, New South Wales Branch, in these Rules called "the Branch".

**2. REGISTERED OFFICE**

The office of the Branch shall be 160 Clarence Street, Sydney or such other address as the Branch Council shall from time to time resolve. The records of the Branch shall be kept at the Branch or at another location permitted by the Fair Work Commission under s234 of the Fair Work (Registered Organisations) Act 2009, and the records of the Branch shall be kept at such Branch, provided that the records of the "NSW Sub-Branch No.1" hereafter referred to as "the Sub-Branch" established by these Rules shall be kept at the specified premises for which permission is granted by the Registrar pursuant to Section 268(8) of the Industrial Relations Act 1988, which at the date of adoption of this rule shall be at the 4th Floor, 160 Clarence Street, Sydney.



### 3. INTERPRETATION

3.1 Unless the context otherwise requires:

- (a) ~~(i)~~ **Act** means the Fair Work (Registered Organisations) Act 2009~~Industrial Relations Act 1988~~, as amended;
- (b) ~~(ii)~~ **"Regulations"** mean the Regulations made under the Act;
- (c) ~~(iii)~~ the singular includes the plural and visa versa;
- (d) ~~(iv)~~ the masculine includes the feminine and vice versa.

3.2 These Rules shall be read subject to the provisions of the Act and the Regulations such that:

- (a) unless the context otherwise requires every rule or part thereof shall be read as limited by the provisions of the Act and Regulations; and
- (b) ~~(ii)~~ any rule or part thereof which cannot be so read shall be deemed to be severable from the balance of the rule or rules.

3.3 **Associated Body** ~~shall mean~~ **means** ~~\*The Public Service Association and Professional Officers Association Amalgamated Union of New South Wales (the PSA)~~ The Public Service Association of New South Wales ("the PSA")

~~\*Professional Officers' Association of NSW ("the POA").~~

3.4 Where any of these Rules confer a duty the rule or rules concerned shall also be interpreted as conferring a power to perform the duty upon the officer, person or body specified as having that duty.

~~3.5 A member who works in Higher Education shall mean~~ **Higher Education member** means a member employed:

- ~~(a) a member employed~~ in or by a University, College of Advanced Education,
- ~~(b) a Department of Technical and Further Education,~~
- ~~(c) a College or Institute of Technical and Further Education or~~
- ~~(a)(d)~~ are employed in or by any department, or part of a department or by any employer which a resolution of the Branch Council declared to be a Higher Education Body.

~~3.6 A member who works in Health member shall~~ means a member employed:

- ~~(a) a member employed~~ in or by a public hospital, private hospital or
  - ~~(b) other private health service, nursing home, public dental clinic, area health service or~~
  - ~~(c) community health service or~~
  - ~~(d) facility providing ancillary patient services~~
- as determined by Branch Council, or
- ~~(a)(e)~~ ~~are employed~~ in or by any department, or part of a department or by any employer which a resolution of the Branch Council declares to be a Health Services Body.

~~3.7 A member who works in School Education member shall~~ means

- (a) a member employed in the Department of School Education or by the Director-General of School Education or are employed in or by any department, or part of a department or by any employer which a resolution of the Branch Council declares to be a School Education Body.

~~3.53.8~~ Unless otherwise expressly indicated reference in these Rules to a Branch Councillor shall include both Branch Officers and Delegates to Branch Council.

~~3.63.9~~ **"CPSU"** and/or **"the Union"** ~~shall mean~~ **"CPSU, the Community and Public Sector Union"**

~~3.73.10~~ **"the Group"** ~~shall mean~~ the CPSU SPSF Group.

~~3.83.11~~ **"the Federal Rules"** shall mean the rules of the Group as contained in Chapters A or C of the rules of CPSU and as amended.

#### 4. **ADMISSION TO MEMBERSHIP**

The date of admission to membership of the Union and the Branch pursuant to **Rule 66(i)54** of Chapter C of the Federal rules shall be the date of receipt of the member's application at the office of the Branch, ~~or at the specified premises of the Sub-Branch, as the case may be.~~

#### 5. **CONSTITUTION OF BRANCH COUNCIL**

##### 5.1 **Composition**

Branch Council shall consist of:

- (a) the Branch Officers;
- (b) 10 Delegates to the Branch Council ~~who are Branch members not allocated to the Sub-Branch; and~~

~~(iii) three Branch Councillors who are Branch members allocated to the Sub-Branch.~~

~~B. In relation to the Delegates to the Branch Council who are Branch members not allocated to the Sub-Branch:~~

~~(i) There shall be a number of positions of Delegate reserved for members who work in Higher Education, for members who work in School Education and for members who work in Health. Each of the numbers of reserved positions shall be calculated by multiplying twice the number of financial members in the class concerned by the number of Delegates to the Branch Council who do not represent the Sub-Branch and dividing the result by three times the number of financial members in the Branch who are not allocated to the Sub-Branch.~~

##### 5.2 **Reserved positions**

###### (a) **Sectors**

Delegates to Branch Council shall comprise a number of positions of Delegate reserved for members who work in

- (i) Higher Education,
- (ii) School Education, and
- (iii) Health.

(b) Each of the numbers of reserved positions in Rule 5.2(a) shall be calculated by multiplying twice the number of financial members in the class concerned by the number of Delegates to the Branch Council, ~~who do not represent the Sub-Branch and dividing the result by three times the number of financial members in the Branch who are not allocated to the Sub-Branch.~~

###### (c) **Women and men**

A number of positions of Delegate to Branch Council shall be reserved for women and a number reserved for men.

~~(a)(d)~~ Each of the numbers of reserved positions in Rule 5.2(bc) shall be calculated by multiplying twice the number of financial ~~members who are not allocated to the Sub-Branch who~~ members who are women or men, as the case may be, by the number of Delegates to the Branch Council ~~who do not represent the Sub-Branch~~ and dividing the result by three times the number of financial members in the Branch ~~who are not allocated to the Sub-Branch.~~

###### (e) ~~(iii)~~ **Method of calculation**

- (i) In any of the above calculations any fractional remainder shall be disregarded. If the result of the calculation is zero then the number of reserved positions shall be one.

- (ii) ~~(iv)~~ If in any election the number of members nominated from any of the classes for which a position is reserved is less than its number of reserved positions then for the purpose of that election the number of reserved positions shall be equal to the number of members nominated from the class.

~~C. In relation to the Delegates to the Branch Council who are Branch members allocated to the Subbranch the election of those Delegates to the Branch Council from the members of the Sub-Branch shall be by and from one electorate consisting of financial members of the Sub-Branch.~~

~~D. In this rule a reference to "financial members" is a reference to financial members as at 31st December in the year preceding an election.~~

### 5.3 Financial members

(a) In this rule a reference to "financial members" is a reference to financial members as at 31st December in the year preceding an election.

(b) Rule 7.1(d) of Chapter C of the Federal Rules applies to financial membership of the Branch for determination of reserved positions.

~~E. The Branch Secretary may as soon as practicable after the 31st December in each year but no later than the 28th February of the next year provide to a meeting of the Branch Council a report on membership as at the 31st December of that year showing the number of financial members in the Branch and in each class of member relevant to determining any matter under this rule. If such report is provided it shall be conclusive that the number of financial members and their disposition is as stated therein.~~

~~F. The disposition of financial members into a class of members relevant to determining any matter under this rule shall be determined by the Branch Secretary by reference to the membership and subscription records held by the Branch or the Associated Bodies as the case may be. The membership and subscription records are deemed to be conclusive as to the disposition of financial members. Where a member may be in more than one class of members relevant to determining any matter under this rule the Branch Secretary shall determine the disposition of the member.~~

### 5.4 Quorum

~~At every meeting of the Branch Council the quorum necessary for the transaction of any business of the Branch Council shall be eight, including six Delegates who are Branch members not allocated to the Sub-Branch, and two Delegates who are Branch members allocated to the Sub-Branch in relation to any business before the Branch Council raised by or relating to the affairs of the Sub-Branch.~~

## 6. BRANCH OFFICERS

The Branch Officers shall be the Branch Executive and shall comprise:

6.1 ~~(i) the~~ Branch President;

6.2 ~~(ii)~~ three Branch Vice Presidents;

6.3 ~~(iii)~~ the Branch Secretary;

6.4 ~~(iv) two~~ Branch Assistant Secretaryies who are elected by Branch members not allocated to the Sub-Branch; and

~~(v) one Branch Assistant Secretary who shall be known as "Branch Assistant Secretary Sub-Branch No.1" and who is elected by Branch members allocated to the Sub-Branch.~~

## 7. QUORUM OF BRANCH EXECUTIVE

~~At every meeting of the Branch Executive the quorum necessary for the transaction of the business of the Branch Executive shall be four, provided that no business specifically relating to the affairs or operation of the Sub-Branch shall be transacted unless the said quorum includes the Branch Assistant Secretary Sub-Branch No.1.~~

## 8. BRANCH FUND

- 8.1 Branch Council or Branch Executive may by resolution from time to time authorise the disbursement of moneys standing to the credit of the Branch Fund for the achievement of the objects of the Branch and for its administration.
- 8.2 Subject to ~~Sub-Rule (D)~~ Rule 8.3 hereof any two members of the Branch Executive may sign cheques or authorise payment by a system of funds transfer on behalf of the Branch provided that the Branch Secretary, or in ~~his~~ their absence, a Branch Assistant Secretary shall always be one signatory of any such ~~cheque~~ payment.
- 8.3 For the purposes of the general administration of the Branch, including payment of salaries, honoraria, remittance of monies due to the Federal Fund, travelling expenses, payroll deductions, Federal and State taxes, rates, rent, interest on loans, accounts for stationery, printing, hire of premises for meetings, legal costs and disbursements, transcript, telephone ~~telegraph~~ telex and postal services and expenses of like kind reasonably incidental to the general administration of the Branch, the prior authority of Branch Council or Branch Executive shall not be necessary before such cheques are signed or accounts paid.

~~D. Disbursement of monies of the Branch relating solely to the operations of the Sub-Branch shall be made by cheques signed on behalf of the Branch by the Branch Assistant Secretary Sub-Branch No.1 in lieu of the Branch Secretary and one other member of the Branch Executive including the Branch Secretary.~~

## 9. POSTAL BALLOT OF BRANCH EXECUTIVE AND BRANCH COUNCIL - OUT OF SESSION DECISIONS<sup>1</sup>

Any decision required to be made by Branch Executive or Branch Council may be made in accordance with Rule 7.4 of Chapter C of the Federal Rules. ~~by post and any decision so made shall be valid and effectual for all purposes as if that decision had been made by Branch Executive or Branch Council (as the case may be) in meeting assembled provided that:~~

~~(i) Every member of the Branch Executive or Branch Council (as the case may be) is forwarded by pre-paid registered post or by electronic facsimile transmission a copy of the question upon which that member's vote is required; and~~

~~(ii) Not less than 50% of those entitled to vote thereon do exercise a vote within the time appointed by the Branch Secretary in forwarding the question upon which the member's votes are required.~~

## 10. GENERAL AND SPECIAL MEETINGS

- 10.1 ~~A.~~ The Branch Council or Branch Executive may convene General Meetings of members of the Branch by resolution specifying the motions to be considered and the date of the meetings.
- 10.2 ~~B.~~ Not less than five percent of members of the Branch may by signing a requisition or requisitions in common form, require that special meetings of members of the Branch be held to consider motions specified in the requisition or requisitions.
- (a) Such special meetings shall be so convened as to be held within twenty-eight days of the date when the requisitions are received by the Branch President or other Branch Officer.
- (b) The decision of such special meetings shall, subject to these rules, be performed or observed by Branch Council and Branch Executive.
- 10.3 ~~C.~~ When General or Special Meetings are to be held pursuant to ~~sub-rule (A) or (B)~~ Rule 10.1 or 10.2 of this rule, meetings shall be held in Sydney, and in such other places as the Branch Council or Branch Executive determines.
- 10.4 ~~D.~~ At least seven days notice of the meetings shall be given by advertisement in at least one Sydney metropolitan daily newspaper and at least one local newspaper, or the metropolitan daily newspaper, circulating in each town in which a meeting is to be held, and by circular to local representatives and assistant local representatives, specifying the date, time and place of the meeting and the terms of the motions to be considered.

<sup>1</sup> See chapter C sets out range of out of session options

10.5 ~~E.~~ Meetings shall be chaired by the Branch President or a delegate of the President. The Chairperson of each meeting shall bring to the attention of the meeting any reports provided by the Branch Executive or the Branch Secretary.

10.6 ~~F.~~ Each motion shall be put to each meeting in the form notified without amendment. Each vote shall be taken by a count and the numbers of members voting for and against each motion shall be recorded.

10.7 ~~G.~~ At the conclusion of each meeting, the Chairperson shall notify the Branch Secretary ~~by telex or electronic facsimile transmission~~ of the numbers of members recorded as voting for and against each motion. The numbers shall be tallied by the Branch Secretary and the total vote so arrived at shall determine each motion, provided that no resolution shall be carried in this manner unless at least five percent of the financial members of the branch have attended and voted.

10.8 ~~H.~~ Each motion and recommendation to be considered by meetings held under this rule shall specifically define any action to be taken by the Branch or its members if the motion is adopted.

## 11. INDUSTRY AND ADVISORY BODIES

11.1 ~~A.~~ The Branch Council or the Branch Executive may establish an Industry or Advisory Body for any class or group of members.

11.2 ~~B.~~ The functions of each Industry and Advisory Body shall be to enquire into, consider and report to and advise the Branch upon matters of concern to the particular class or group of members, and to exercise such other functions as may be delegated to it by the Branch Council, or the Branch Executive. No such Body shall exercise any functions of management required by the Act to be performed by a body comprising person holding offices in the Group.

11.3 ~~C.~~ Industry and Advisory Bodies shall be subject to decisions of the Branch Council, Branch Executive and General Meetings and shall comply with any directions given to them by the Branch Executive or Branch Council.

11.4 ~~D.~~ The Branch Council may make by-laws not inconsistent with these Rules to regulate the constitution, powers, duration, terms of appointment, business, meetings and conferences of Industry and Advisory Bodies either generally or in any particular case. Subject to any such bylaws the Branch Executive may give such directions as it thinks expedient to provide for the management of Industry and Advisory Bodies.

11.5 ~~E.~~ Where any general committee is established in an Industry or Advisory Body the Branch Council or Branch Executive shall make such provisions as are appropriate, having regard to the composition of the Body, to ensure reasonable representation of both women and men on the committee, and shall take as a general guide the provisions regarding reserved positions on the Branch Council.

11.6 ~~F.~~ Each such Body shall exercise the functions of any Advisory Body under this rule. Their constitution, powers, duration, terms of appointment, business, meetings and conferences shall continue to operate in the manner provided in any rules or by-laws of or applying to the body concerned until Branch Council or the Branch Executive makes alternative provisions.

## 12. LOCAL REPRESENTATIVES

12.1 ~~A.~~ The Branch Executive ~~or in the case of members attached to the Sub Branch, Sub Branch Council~~ may appoint local representatives in particular defined localities whose duties in respect of that locality shall be:

(a) ~~(i)~~ At the request of the Branch Council ~~or Sub Branch Council~~, or Branch Executive to inform members employed in the locality of the activities of the Union.

(b) ~~(ii)~~ To inform the Branch Council and Branch Executive through the Branch Secretary ~~or Sub Branch Council through the Branch Assistant Secretary, Sub Branch No.1, as the case may be~~, of matters affecting the industrial interests and welfare of members employed in the locality.

- (c) ~~(iii)~~ As required by the Branch Council or Branch Executive ~~or Sub-Branch Council~~ or under these Rules to arrange in the locality meetings of members employed in the locality or other meetings of members.
- 12.2 ~~B.~~ The Branch Executive ~~or Sub-Branch Council~~ may appoint deputy local representatives to assist local representatives in the performance of their duties and to act in their place in their absence.
- 12.3 ~~C.~~ The Branch Executive ~~or Sub-Branch Council~~ may appoint assistant local representatives to assist local representatives in the performance of their duties in respect of particular defined areas within their locality.
- 12.4 ~~D.~~ The Branch Executive or ~~Sub-Branch Council~~ may appoint persons to act as local representative, deputy or assistant local representative where there is a temporary vacancy in such position or the person appointed is temporarily unable to perform his or her duties.
- 12.5 ~~E.~~ A city, town or other place shall be designated by the Branch Executive ~~or Sub-Branch Council~~ for each locality and each area within a locality for which a local representative or assistant local representative is appointed as the headquarters of the local representative or assistant local representative.
- 12.6 ~~F.~~ Any appointment of local representative, deputy local representative or assistant local representative shall have effect until:
- (a) ~~(i)~~ the appointee dies or resigns the appointment by notice in writing to the Branch Secretary ~~or Branch Assistant Secretary Sub-Branch No.1, as the case may be;~~
  - (b) ~~(ii)~~ the Branch Executive ~~or Sub-Branch Council~~ appoints another person in place of the appointee; or
  - (c) ~~(iii)~~ the Branch Executive ~~or Sub-Branch Council~~ varies or abolishes the definition of the locality or area.
- 12.7 ~~G.~~ No local representative, deputy local representative or assistant local representative shall exercise any functions of management required by the Act to be performed by persons holding offices in the Union.

### 13. BRANCH ASSOCIATES

~~A. The following person shall be entitled to be admitted as Associates of the Branch if not eligible for membership of the Group but who are:~~

- ~~(i) retired persons who prior to retirement were members of the Branch; or~~
- ~~(ii) widows or widowers of persons who prior to retirement or death were members or Associates of the Branch; or~~
- ~~(iii) trainee or cadet officers; or~~

13.1 Rule 56.1 of Chapter C of the Federal Rules deals with who is eligible to be a Branch Associate including

- (a) retired persons who prior to retirement were members of the Branch; or
- (b) widows or widowers of persons who prior to retirement or death were members or Associates of the Branch; or
- (c) trainee or cadet officers

In addition, the following persons shall be entitled to be admitted as Associates of the Branch if not otherwise eligible for membership of the Group:

- ~~13.13.2 (iv) persons admitted as Associate members of an Associated Body before the second of July, 1974; or~~

- (a) ~~(v)~~ persons not otherwise eligible to be enrolled as an Associate who were, prior to their retirement, financial members of an association or Union affiliated with the Combined Public Service Unions; or
- (b) ~~(vi)~~ students attending any recognised university or other tertiary institution and engaged in a course of study which would, upon its successful completion, render the student suitable for employment in any of the professions, callings or avocations followed by members of the Group; or
- (c) ~~(vii)~~ person eligible to be an Associate of an Associated Body.

**13.3** ~~Rule 56.2 of Chapter C of the Federal Rules provides power to the Branch Council in relation to Branch Associates including the power to:~~ **B. The Branch Council shall have power to:**

- (a) ~~(i)~~ fix and collect enrolment fees and subscriptions for Associates;
- (b) ~~(ii)~~ determine the conditions under which a person shall cease to be an Associate;
- (c) ~~(iii)~~ organise groups and committees of Associates, and provide administrative and financial support for their activities;

**13.4** ~~In addition~~ **addition, the Branch Council shall have power to:**

- (a) ~~(iv)~~ provide for the participation of Associates in Provident or welfare Funds or other activities of or supported by the Branch;
- (b) ~~(v)~~ provide for the participation in activities of Associates (including groups or committees) of financial members of the Branch who are also persons of one of the kind described in the preceding paragraphs.
- (c) ~~(vi)~~ provide for the participation of the Retired Associates Body in the activities of other retiree groups and for affiliation with appropriate Councils and organisations which seek to promote the welfare of pensioners, superannuants and senior citizens.

~~13.2~~ **13.5 C.** Enrolment as an Associate shall not entitle a person to any of the rights of membership.

**14. ELECTION OF BRANCH OFFICERS AND DELEGATES TO BRANCH COUNCIL<sup>2</sup>**

~~A. The Branch shall elect a Branch Secretary four yearly by secret postal ballot of the whole of the financial membership of the Branch. The persons eligible to accept nomination shall be:~~

- ~~(i) all financial members of the Branch;~~
- ~~(ii) the General Secretary, Assistant General Secretary and the elected members of the Executive of an Associated Body;~~
- ~~(iii) employees of the Branch of the Group; and~~
- ~~(iv) employees of an Associated Body.~~

Election of Branch Officers and Delegates to Branch Council will be in accordance with Part 3 of Chapter C of the Federal Rules.

**14.1** Branch Secretary

- (a) The Branch will elect a Branch Secretary in a ballot of all financial members.
- (b) Rule 20.2 of Chapter C of the Federal Rules sets out the term of office and who is eligible to nominate and includes:
  - (i) All financial members of the Branch;
  - (ii) General Secretary, Assistant General Secretary and the elected members of the Executive of the PSA;
  - (iii) employees of the NSW Branch of the Group; and
  - (iv) employees of the PSA.

<sup>2</sup> Chapter C Part 3 applies to elections. It sets out who can nominate.

~~B. The Branch shall elect three Branch Assistant Secretaries four yearly by secret postal ballot two of whom shall be elected by the financial membership of the Branch not allocated to the Sub Branch and the Branch Assistant Secretary Sub Branch No.1 who shall be elected by the financial membership allocated to the Sub Branch.~~

~~(i) The persons eligible to accept nomination for election as Branch Assistant Secretary elected by members not allocated to the Sub Branch shall be:~~

~~(a) all financial members of the Branch not allocated to the Sub Branch;~~

~~(b) the General Secretary, Assistant General Secretaries and the elected members of the Executive of the PSA;~~

~~(c) employees of the Branch of the Group not working in or for the Sub Branch; and~~

~~(d) employees of the PSA.~~

~~(ii) The persons eligible to accept nomination for election as Branch Assistant Secretary Sub Branch No.1 shall be:~~

~~(a) all financial members of the Branch allocated to the Sub Branch;~~

~~(b) the Secretary, Assistant Secretary and the elected members of the Executive of the POA;~~

~~(c) employees of the Branch of the Group working in or for the Sub Branch; and~~

~~(d) employees of the POA.~~

#### 14.2 Branch Assistant Secretary

~~(a) The Branch will elect a Branch Assistant Secretary in a ballot of all financial members.~~

~~(b) **Rule 20.3 of Chapter C** of the Federal Rules sets out the term of office and who is eligible to nominate and includes:~~

~~(i) all financial members of the Branch;~~

~~(ii) the General Secretary, Assistant General Secretary and the elected members of the Executive of the PSA;~~

~~(iii) employees of the NSW Branch of the Group; and~~

~~(iv) employees of the PSA.~~

~~C. This Branch shall elect a Branch President and three Branch Vice Presidents four yearly by secret postal ballot of the whole of the financial membership of the Branch. The persons eligible to accept nomination shall be:~~

~~(i) all financial members of the Branch; and~~

~~(ii) the General Secretary, Assistant Secretaries and the elected members of the Executive of an Associated Body.~~

#### 14.3 Branch President

~~(a) The Branch shall elect a Branch President by the financial membership of the Branch.~~

~~(b) **Rule 20.6 of Chapter C** of the Federal Rules sets out who is eligible to nominate for Branch President. This includes:~~

~~(i) all financial members of the Branch;~~

~~(ii) the General Secretary, Assistant General Secretary and the elected members of the Executive of the PSA;~~

#### 14.4 Branch Vice Presidents

~~(a) The Branch shall elect three Branch Vice President by the financial membership of the Branch.~~



~~(b) Rule 20.7 of Chapter C of the Federal Rules sets out who is eligible to nominate for Branch President. This includes:~~

~~(i) all financial members of the Branch;~~

~~(ii) the General Secretary, Assistant General Secretary and the elected members of the Executive of the PSA;~~

~~D. The Branch shall elect ten Delegates to Branch Council being members not allocated to the Sub-Branch four yearly by secret postal ballot of the financial membership not allocated to the Sub-Branch. The persons eligible to accept nomination shall be:~~

~~(i) all financial members of the Branch not allocated to the Sub-Branch; and~~

~~(ii) the General Secretary, Assistant General Secretaries and the elected members of the Executive of the PSA.~~

#### 14.5 Branch Council

~~(a) The Branch shall elect 10 Delegates to Branch Council.~~

~~(b) Rule 20.5 of Chapter C of the Federal Rules sets out who is eligible to nominate for Branch Council.:~~

~~(i) all financial members of the Branch; and~~

~~(ii) the General Secretary, Assistant General Secretaries and the elected members of the Executive of the PSA.~~

~~E. The Branch shall elect three Delegates to Branch Council being members allocated to the Sub-Branch four yearly by secret postal ballot of the financial membership of the Branch allocated to the Sub-Branch. The persons eligible to accept nomination shall be:~~

~~(i) all financial members of the Branch allocated to the Sub-Branch; and~~

~~(ii) the Secretary, Assistant Secretary and the elected members of the Executive of the POA.~~

#### 14.6 Nominations

~~Nominations must comply with Part 3 of Chapter C of the Federal Rules.~~

~~F. Nominations shall be in writing and shall be signed by the person accepting nomination and two members of the Branch proposing them (provided that in the case of elections held pursuant to sub-rules B, D and E of this rule the two nominators shall be members allocated to the portion of the Branch membership to which that election is confined) and specifying the office or offices for which they are being nominated.~~

### **15. SENIORITY OF VICE-PRESIDENTS**

**15.1** Where there has been a ballot conducted for the election of persons to the offices of Vice-President the order of seniority of the Vice-Presidents shall be the order of their election.

**15.2** Where no ballot was required the order of seniority of the Vice-Presidents shall be fixed by agreement between the Vice-Presidents, advised in writing to the President or the chair of a Branch Council Meeting.

**15.3** If no agreement has been received by the time the first meeting of the Branch Council after the election is due to close the Branch Council may determine the order.

**15.4** If an election is declared between Branch Council Meetings and no agreement is advised to the President within one month of its completion the Branch Council may determine the order by postal ballot.

**15.5** The most senior Vice-President shall be known as the Senior Vice- President.

## 16. ELECTION OF DELEGATES TO FEDERAL COUNCIL

The Delegates to Federal Council are elected by the Branch pursuant to Rule 54B Part 3 of Chapter C of the Federal rules, shall include one Delegate elected by and from the members of Branch Council who have been elected by members allocated to the Sub-Branch.

## 17. TRANSITION RULE UP TO THE 2020 ELECTION

17.1 This rule book replaces the 14 October 2005 rules made in R2005/304.

17.2 The amendments to the 2005 rules are designed;

(a) to abolish the NSW Sub-Branch No 1. and all sub-branch offices.

(b) to bring consistency between the number of Assistant Secretary positions in the Branch and the PSA by removing one Assistant Branch Secretary position from the Branch.

### 17.3 Preservation of all offices

(a) Sub branch officials remain in office until the 2020 Branch election is declared unless they resign or are removed from office in accordance with the Federal Rules. The offices are:

(i) Sub Branch Federal Council delegate

(ii) Sub Branch Assistant Secretary

(iii) Three Sub branch councillors

(b) Branch Assistant Secretaries remain in office until the 2020 Branch election is declared unless they resign or are removed from office in accordance with the Federal Rules.

## ~~17 - SPECIAL TRANSITIONAL RULE~~

~~A. Elections shall be held in 1993 for the offices of the Branch pursuant to sub-rule B of rule 64 of Chapter C of the Federal rules and the persons then elected shall hold office until the election of their successors in 1996. There shall be no election held in 1994.~~

~~B. The Branch Executive shall act promptly to alter, rescind or add to these Rules to the extent necessary to comply with the requirements of the Industrial Registrar or Federal Council.~~

## ~~PART B~~

### ~~RULES FOR THE OPERATION OF THE SUB-BRANCH~~

#### ~~18 - NAME OF SUB-BRANCH~~

~~There shall be established a special Sub-Branch to be known as the SPSF Group NSW Sub-Branch No.1.~~

~~19 - ELIGIBILITY FOR MEMBERSHIP OF SUB-BRANCH Subject to rule 62B(i) of Chapter C of the Federal rules the persons who are members, or who are eligible to be members of the Sub-Branch shall be those persons who:~~

~~(i) at the date of amalgamation between The State Public Services Federation and The Professional Officers' (State Public Services and Instrumentalities) Association (the "PO (SPS&I) A") were members of the New South Wales Branch of the PO (SPS&I) A and who, by the operation of Section 249 (3)(d) of the Industrial Relations Act 1988, from the date of the said amalgamation are members of the New South Wales Branch of the amalgamated organisation, The State Public Services Federation; or~~

~~(ii) subsequent to the date of the said amalgamation are eligible for membership of and apply to join the Branch and who are also at the time of such application members of the POA.~~

#### ~~20 - SPECIAL TRANSITIONAL RULE~~

A. Pursuant to Rule 62 of Chapter C of the Federal rules the rules in this part of these Rules shall apply notwithstanding anything in these Rules or Chapter C of the Federal Rules to the contrary.

B. The Branch Council shall have no power to amend rescind or otherwise alter these Rules as they affect the operation of the Sub Branch or the rights of members allocated to the Sub Branch insofar as any amendment or other alteration might adversely affect the operation of the Sub Branch or the rights of members allocated to the Sub Branch except in the following circumstances;

C. (i) the arrangements with respect to the relationship between the Branch and the Sub Branch as provided in this part of these Rules shall continue to operate until 31 December, 1994 or until the time of the determination provided for in sub-paragraph (iii) hereunder whichever is the later;

(ii) between 1 January, 1994 and 31 December, 1994 the officers and members of Branch Council not allocated to the Sub Branch will enter into negotiations with the officers and members of Branch Council allocated to the Sub Branch in order to determine arrangements as to the overall structure of the Branch to operate from 1 January, 1995 so that these Rules may be amended to reflect that structure pursuant to the power vested in Branch Council by Rule 13 (i) of Chapter C of the Federal rules; and

(iii) in the event that agreement is not reached between members of Branch Council in the negotiations referred to in sub-paragraph (ii) above the arrangements provided in this part of these Rules shall continue to operate until they are reviewed, and any new arrangements to operate in the future are determined by Federal Council whereupon Federal Council may instruct the Branch to make such alterations to these Rules as are so determine by Federal Council.

## **21- SUBSCRIPTIONS**

The provisions of Rule 44B of Chapter C of the Federal rules shall apply, and during the currency of an agreement between the Union and the POA providing for the payment of the monies due to the Union any member of the Sub Branch who pays subscriptions to the POA in an amount equivalent to or greater than the amount payable by such members as entrance fees, subscriptions, levies and other fees to the Union under Chapter C of the Federal rules shall be and be deemed to be for all purposes of Chapter C of the Federal rules and these Rules, a financial member of the Union.

## **22- APPLICATIONS FOR MEMBERSHIP**

A candidate for membership of the Branch who is a person eligible to be a member of the Sub Branch shall apply to the Branch by supplying the information required by Chapter C of the Federal rules to the Branch Assistant Secretary Sub Branch No.1 (who shall hereafter be referred to as "the Sub Branch Secretary").

## **23- DUTIES OF THE SUB-BRANCH SECRETARY**

A. The Sub Branch Secretary shall, subject to these Rules, perform mutatis mutandis, the duties of Branch Secretary in relation to the Sub Branch.

B. The entrance fees and subscriptions payable by members eligible to be members of the Sub Branch shall be paid to the Sub Branch Secretary who shall receive and deal with such monies at all times in accordance with Chapter C of the Federal rules and shall forthwith forward such monies to the Branch Secretary.

C. The Sub Branch membership, register and records relating to persons eligible for membership of the Sub Branch shall be controlled and maintained by the Sub Branch Secretary.

D. Notice in writing of resignation by a member eligible to be a member of the Sub Branch shall be addressed to the Sub Branch Secretary and shall be delivered or posted to 4th Floor, 160 Clarence Street, Sydney or such other office of the Sub Branch as may be subsequently notified to the Branch Council by the Sub Branch Secretary and approved by the Federal Industrial Registrar, and the Sub Branch Secretary shall supply a list of such resignations each month to the Branch Secretary.

E. The duties of the Sub Branch Secretary shall also include:

(i) Where the Branch Secretary requires membership information to comply with paragraph (ix) of Rule 23 of Chapter C of the Federal rules the Sub Branch Secretary shall supply the required information upon request to do so.

(ii) The register and records relating to members allocated to the Sub-Branch shall be made available to the Branch Returning Officer or the Federal Returning Officer or other persons designated in the Industrial Relations Act 1988 as having the responsibility of conducting elections for the purpose of conducting ballots upon written request from such officer or person.

(iii) Responsibility for the recruitment of persons who would ordinarily be eligible for membership of the Sub-Branch.

#### **24 – MEETINGS OF FEDERAL EXECUTIVE**

In the event that the Branch Representatives on Federal Executive do not include one member from the Sub-Branch the Sub-Branch shall be entitled to nominate one participating but not voting observer of meetings of Federal Executive, the costs of such observer to be borne by the Federal Fund on the same basis as for Branch Representatives on Federal Executive for so long as Federal Council has by resolution agreed that such costs should be disbursed from the Federal Fund.

#### **25 – DUTY OF BRANCH COUNCILLORS**

For the purpose of these Rules it shall be the duty of a Branch Councillor elected by and from members allocated to the Sub-Branch to vote or exercise the functions of a Branch Councillor in a manner that is consistent with a direction by the Sub-Branch Council in relation to matters dealt with by the Branch Council or Branch Executive.

#### **26 – SUB-BRANCH COUNCIL**

Subject to Chapter C of the Federal rules and these Rules relating to the operation of the Branch as a whole, including the Sub-Branch, the operation and affairs of the Sub-Branch shall be governed by a Council (hereafter referred to as "Council") consisting of the Sub-Branch Secretary and 50 representatives elected by and from the whole of the financial membership of the Sub-Branch. Those persons who are financial members of the Group allocated to the Sub-Branch and eligible to accept nomination for other officers within the Group in accordance with Federal Rule 57E of Chapter C, shall be eligible to accept nomination as a representative on the Sub-Branch Council.

#### **27 – ELECTION OF COUNCIL**

A. Members of Council shall be elected four yearly in the same manner as and in accordance with the provisions of Chapter C of the Federal rules and these Rules relating to the election to an office within the Group, provided that elections shall be held in 1993 at the same time as elections are being conducted for the Branch as a whole and the persons then elected shall hold office until the election of their successors in 1996.

B. Upon the date of operation of these Rules Council shall comprise those persons who are at that date members of the Council of the POA and those persons shall hold office until the election of their successors in the elections in 1993 required by sub-rule A of this rule.

#### **28 – POWERS OF COUNCIL**

A. In addition to the specific powers conferred on Council by the provisions of these Rules, and subject only to the control and direction of members of the Sub-Branch in general meeting assembled and the powers of the National Officers Committee, Federal Council and Federal Executive in Chapter C of the Federal rules and Branch Council or Branch Executive in these Rules the Council shall be charged with and be responsible for the general administration, management and control of the affairs of the Sub-Branch and do or authorise all acts reasonably necessary to foster the interests of the Sub-Branch and to protect and further the interests of the Sub-Branch and its members.

B. Council may from time to time constitute committees or sub-committees which shall perform or discharge such duties and functions as Council may direct or delegate, provided that no such committee or sub-committee shall exercise any of the functions of management required by the Act to be performed by a body comprising persons holding offices in the Union.

C. Council may establish Advisory Bodies of the Sub-Branch which shall consist of members grouped according to their locations and or vocations and may from time to time alter, vary or abolish any

~~Advisory Group, provided that no such Advisory Body may perform any of the functions of management of the Sub Branch.~~

~~D. Council may convene a conference of delegates of members at any time. The business of Sub Branch conference and the method of selection of delegates thereto shall be determined by Council. Resolutions of conference shall be recommendations and not directions to Council.~~

~~E. Pursuant to the power given to it by rule 12 of these Rules, Council authorises the Sub Branch Secretary to appoint, on the advice of a Councillor and/or an Advisory Body, representatives to act on behalf of the Sub Branch in workplaces as required to further the interests of the Sub Branch provided that no such representative may perform any of the functions of management of the Sub Branch.~~

### **29 – ELECTION AND APPOINTMENT OF SUB-BRANCH OFFICERS**

~~(OTHER THAN SUB-BRANCH SECRETARY)~~

~~Following the Annual General Meeting in any year, Council shall elect the Sub Branch President, Senior Vice President, Junior Vice President, and five Executive members of the Sub Branch by secret ballot by and from members of Council in accordance with the rules relating to the election of persons to offices within the Group. Any vacancy that occurs in relation to these offices shall be filled in accordance with the provisions of rule 56 of Chapter C of the Federal rules mutatis mutandis, by Council.~~

### **30 – EXECUTIVE**

~~A. The Sub Branch Officers including the Sub Branch Secretary shall comprise the Sub Branch Executive, which shall, between meetings of Council, supervise the business of the Sub Branch.~~

~~B. The Executive shall:~~

~~(i) Deal with matters which cannot reasonably or practicably be deferred until the next meeting of Council.~~

~~(ii) Carry out such functions as Council may, from time to time, delegate to it.~~

~~C. All decisions of the Executive shall be subject to endorsement by Council.~~

~~D. Meetings of the Executive shall be convened by the President at such times and places as the President considers expedient.~~

~~E. Four members of the Executive shall constitute a quorum.~~

### **31 – PRESIDENT**

~~The President shall:~~

~~A. Be Chairperson at all meetings of the Sub Branch or Council or Executive at which the President is present.~~

~~B. Be an ex officio member of all committees and sub-committees constituted by the Sub Branch or by Council.~~

~~C. Superintend the discussion of all business tabled for consideration at such meetings.~~

~~D. Enforce the Rules and Standing Orders of the Sub Branch and preserve good order among the members present.~~

~~E. Possess a deliberative and, in the case of equality, possess and exercise a casting vote.~~

~~F. Sign the Minutes of the proceedings of meetings when adopted by subsequent meetings.~~

### **32 – VICE PRESIDENTS**

~~Two Vice Presidents shall be elected by separate elections, one of whom shall be the Senior Vice President. The Vice Presidents shall assist the President in the duties of that Office, and in the absence of the President, the Council or general meeting assembled shall elect the Senior Vice President to be the chair. In the absence also of the Senior Vice President, the remaining Vice President shall be elected as the chair. If the President and both Vice Presidents are absent from a meeting of the Sub Branch or a meeting~~

of Council, the chair shall be occupied by the Sub-Branch Secretary who shall call for nominations for the position of Acting Chairperson for that Meeting. The members present shall thereupon elect one of their number to act as Chair for that Meeting.

### **33—MEETINGS OF COUNCIL**

A. The Sub-Branch Secretary shall within fourteen days after the Annual General Meeting, convene the first meeting of Council.

B. Thereafter, Council shall as far as practicable meet at least once during each calendar month on a regular day and at such time and place as a majority of members of Council shall determine.

C. Council may from time to time by resolution vary the day, place or time of such meeting.

D. Special meetings of Council may be convened at any time by:

(i) The Council, or

(ii) The President, or

(iii) Upon seven days' notice by the Sub-Branch Secretary at the written requisition of fifteen Councillors.

E. Twenty Councillors shall constitute a quorum. Should a quorum be not present within thirty minutes of the time appointed, or at any time during the meeting, such meeting shall be deemed postponed to such date as the Chairperson shall determine. If, after thirty minutes of the time allotted by the Chairperson for such meeting, a quorum be not present, the Councillors present shall be deemed a quorum and the postponed meeting shall thereafter be deemed competent to transact any business for which the postponed meeting was convened.

F. Resolutions at any meeting of Council shall be carried by a majority of votes.

G. A resolution passed at any meeting of the Council shall not be rescinded or recommitted at such meeting except by a majority of not less than two-thirds of the Councillors present.

H. A resolution passed at any meeting of the Council shall not be rescinded at any subsequent meeting unless notice of intention to move for such rescission shall have been given in the notice convening such meeting. Notice in writing of the proposed rescission motion shall be given to the Sub-Branch Secretary at least fourteen days prior to the date of the further meeting of Council.

### **34—MEETINGS OF THE SUB-BRANCH**

A. Meetings of the Sub-Branch shall be Annual General Meetings, General Meetings or Special General Meetings.

B. The Annual General Meeting shall be held in the month of June in each year at such time and place as Council shall determine, provided that in 1993 the Annual General Meeting shall be held as soon as practicable after the date of operation of these Rules.

C. Council may at any time by resolution convene a General Meeting of members specifying the matters to be considered at such meetings.

D. A Special General Meeting shall be convened by the Sub-Branch Secretary on written requisition signed by not less than two hundred members of the Sub-Branch.

E. A requisition for a Special General Meeting shall specify the matters to be considered by such meeting.

F. The Sub-Branch Secretary shall convene a Special General Meeting within twenty-one days after the receipt of requisition therefor, signed by the requisite number of members.

G. Every Meeting of the Sub-Branch shall be convened either by notice published in the official journal of the POA or by written notice to the members, either medium to be forwarded to reach their mailing address not later than seven days prior to such meeting, specifying the nature and purpose of such meeting.

H. At Annual General Meetings and General Meetings, a quorum shall consist of fifty members; at Special General Meetings a quorum shall consist of one hundred members.

~~I. If, within fifteen minutes after the time appointed for Annual General Meetings or General Meetings, a quorum of members be not present, the members present shall be deemed a quorum and the meeting shall thereafter be deemed competent to transact any business for which the meeting was convened.~~

~~J. If, within thirty minutes after the time appointed for a Special General Meeting, a quorum of members be not present, such meeting shall lapse.~~

~~K. A resolution carried at any Meeting in respect of matters specifically appearing on the Agenda of such meeting shall thereafter bind Council. Provided, however, that resolutions carried at an Annual General Meeting in the course of general business shall be recommendatory only.~~

~~L. A resolution passed at any Meeting shall not be rescinded or recommitted at such meeting, except by a majority of not less than two thirds of the members present.~~

~~M. A resolution passed at any Meeting shall not be rescinded at any subsequent Meeting unless notice of intention to move for such rescission shall have been given in the notice convening such meeting.~~

### **35 – PLEBISCITE**

~~A. The opinions of members may from time to time be obtained by plebiscite on any matter arising under this part of these Rules or affecting the Sub Branch or its members.~~

~~B. A plebiscite shall be taken if:~~

~~(i) Council so resolves, or~~

~~(ii) A General or Special General Meeting of the Sub Branch so resolves, or~~

~~(iii) Upon receipt by Council of a petition signed by one fifth of the members of the Sub Branch requiring a plebiscite and specifying the issue to be determined.~~

~~C. The issue to be determined by plebiscite shall be reduced to writing by direction of Council and forwarded to each member.~~

~~D. Council shall fix a date being not earlier than fourteen days after the dispatch of voting papers to members, by which votes on a plebiscite shall be returned to the Sub Branch Secretary.~~

~~E. Council shall be bound by the result of any plebiscite.~~

~~F. At the next Council Meeting after the close of voting, the Sub Branch Secretary shall announce the result of the plebiscite and shall cause notice thereof to be published in the next issue of the official journal of the POA, or by notification to members, if Council so directs.~~

### **36 – ORDER OF BUSINESS**

#### **A. ANNUAL GENERAL MEETINGS**

~~At every Annual General Meeting of the Sub Branch the order of business shall be as follows:~~

~~(i) Formal opening of meeting.~~

~~(ii) Reading and confirmation of Minutes of the previous Annual General Meeting and any General or Special General Meetings held since that meeting.~~

~~(iii) Apologies for absence.~~

~~(iv) Receipt of the Sub Branch Secretary's annual report, discussion thereon and adoption thereof.~~

~~(v) Declaration by Returning Officer of election of Council for ensuing year.~~

~~(vi) Motions of which notice has been given.~~

~~(vii) General Business.~~

~~(viii) Closure of meeting.~~

#### **B. GENERAL MEETINGS**

~~At every General Meeting of the Sub Branch, the order of business shall be as follows:~~

~~(i) Formal opening of meeting.~~

~~(ii) Reading by the Sub Branch Secretary of the notice convening the meeting, followed by any explanation thereon considered necessary by the Chairperson.~~

~~(iii) Reading and confirmation of Minutes of previous meeting (where appropriate).~~

~~(iv) Apologies for absence.~~

~~(v) Consideration of the business for which the General Meeting has been convened.~~

~~(vi) Closure of meeting.~~

#### ~~C. SPECIAL GENERAL MEETING~~

~~At every Special General Meeting, the order the business shall be as follows:~~

~~(i) Formal opening of meeting.~~

~~(ii) Reading by the Sub Branch Secretary of the notice convening the meeting, the requisition therefor and an affirmation by the Sub Branch Secretary that such requisition has been signed by the requisite number of members in the terms of rule 34D of these Rules.~~

~~(iii) Apologies for absence.~~

~~(iv) Consideration of the business for which the Special General Meeting has been requisitioned.~~

~~(v) Closure of meeting.~~

#### ~~D. MEETING OF COUNCIL~~

~~At every regular monthly meeting of Council of the Sub Branch, the order of business shall be as follows:~~

~~(i) Formal opening of meeting.~~

~~(ii) Apologies for absence.~~

~~(iii) Reading and confirmation of Minutes of previous regular Council meeting and any Special Council Meetings held since that meeting.~~

~~(iv) Filling of casual vacancies.~~

~~(v) Reading of correspondence and ordering thereon.~~

~~(vi) Consideration of Notices of Motion.~~

~~(vii) Presentation of Reports.~~

~~(viii) Matters placed on the business paper pursuant to a resolution of Council.~~

~~(ix) General business.~~

~~(x) Closure of meeting.~~

#### ~~E. SPECIAL MEETINGS OF COUNCIL~~

~~At every special meeting of Council of the Sub Branch, the order of business shall be as follows:~~

~~(i) Formal opening of meeting.~~

~~(ii) Apologies for absence.~~

~~(iii) Announcement of purpose for which meeting is convened.~~

~~(iv) Consideration of business for which meeting is convened.~~

~~(v) Closure of meeting.~~

#### ~~F. ADJOURNED MEETINGS OF THE SUB BRANCH OR OF COUNCIL~~

~~Where by resolution a meeting of the Sub Branch or of Council is adjourned, such meeting on resuming shall deal only with the uncompleted portion of the Agenda of the original meeting.~~



### **37--STANDING ORDERS**

#### **G. POSTPONED MEETINGS OF THE SUB BRANCH OR OF COUNCIL**

Where a meeting of the Sub Branch or of Council is postponed, the original Agenda only shall be dealt with at the postponed meeting.

### **37--STANDING ORDERS**

The Standing Orders for meetings of the Sub Branch or the Council shall be as follows:

A. Notice of Motion shall be in writing signed by the proposer and shall reach the Sub Branch Secretary at least seven days before a Council meeting, or six weeks before any other meeting.

B. Unless otherwise decided by Council, all motions, notice of which has been given, shall be taken in the order in which they have been received by the Sub Branch Secretary.

C. In the absence of the proposer of a notice of motion such notice of motion shall lapse.

D. A motion or amendment shall not be open to discussion until it has been seconded. All amendments shall be considered and put before the original motion.

E. One amendment only shall be before the meeting for discussion at any one time but any member desirous or moving a further amendment may indicate an intention of moving such further amendment during the discussion of the amendment before the meeting.

F. At all meetings, every member shall have one vote, except as elsewhere specifically provided in the case of the Chairperson. Voting by proxy shall not be permitted.

G. At any meeting any resolution may be decided on the voices of the members present and voting but in the event of any dissent shall be decided upon a show of hands, unless the meeting resolves that a ballot be conducted.

H. Except where otherwise provided to the contrary, all motions shall be carried by majority of members voting.

I. Objection shall not be taken to the validity of any vote except at the meeting at which such vote is cast.

J. A member may speak once only, and not for longer than three minutes on any question, except the mover of a resolution, who shall have five minutes to introduce the subject and three minutes for reply. Provided that a meeting may, by resolution (which shall be put without debate) extend the time allowed to a speaker.

K. A member proposing a motion shall be held to have spoken thereon but a member seconding a motion without comment shall not be held to have spoken on it.

L. Any member may rise to a point of order, whereupon the speaker shall be seated and the Chairperson shall forthwith determine the point of order. No discussion shall be permitted on the point of order and the Chairperson's decision subject to a motion of dissent shall be final. A motion of dissent shall not require a seconder. Upon dissent being moved the Chairperson shall vacate the chair in favour of an Acting Chair. Only the mover and the Chairperson may speak to the motion which shall be put by the Acting Chair in the following form "that the Chairperson's ruling be upheld".

M. At any stage of the debate, other than when a member is speaking, any member who has not already spoken on the matter under discussion may move that "The question be now put". Such motion being duly seconded shall be put without debate. The carrying of such motion shall entail the submission forthwith of the substantive motion to the meeting, subject only to the proposer's right of reply.

N. Should the Chair elect to take part in the debate, the Chair shall be vacated first in favour of a Chairperson elected by the Meeting. The original Chairperson shall not re-occupy the Chair until the question before the meeting has been resolved or adjourned.

O. A meeting of Council or any meeting of the Sub Branch may by resolution suspend for that meeting all or any of the foregoing Standing Orders.

\*\*\*END OF RULES\*\*\*

REF: H:\My Documents\CPSU Rules\NSW Branch\190320 NSW Branch standalone tracked rules.docx

**FAIR WORK COMMISSION**

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

**Application under s159 to amend the rules of an organisation**

**IN THE MATTER OF:**

**AN APPLICATION TO ALTER THE RULE BOOK OF THE CPSU, THE COMMUNITY AND PUBLIC SECTOR UNION SPSF GROUP, NEW SOUTH BRANCH (“THE NSW BRANCH”)**

**3 MAY 2019 DECLARATION OF STEWART LITTLE TO SUPPORT AN APPLICATION TO ALTER THE RULE BOOK OF THE NSW BRANCH**

I, Stewart Little, Branch Secretary, of Level 12, 160 Clarence Street, Sydney in the State of New South Wales solemnly and sincerely declare and affirm:

**A. INTRODUCTION**

1. I am the Branch Secretary of the CPSU, the Community and Public Sector Union SPSF Group, New South Wales Branch (“NSW Branch”). I make this declaration of my own knowledge and belief unless I otherwise indicate.
2. I am authorised to make this declaration and to give the notice of particulars of alterations to the rules of the NSW Branch which has been filed with this declaration, as required by s139 of the *Fair Work (Registered Organisations) Act 2009* and Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*
3. I have attached to this declaration a document entitled “the Amended NSW Branch Rule Book.” This document is a full copy of the NSW Branch rule book with alterations sought marked as tracked changes (from hereon called the “Amended NSW Branch Rule Book”). If this application is successful, the Amended NSW Branch Rule Book will replace the rulebook dated 14 October 2005 in R2005/304
4. What follows is an account of the actions taken by the NSW Branch to approve the alterations in the Amended NSW Branch Rule Book. Based on this declaration and the notice of, the General Manager should be satisfied the Amended NSW Branch Rule Book is made in accordance with the rules of the CPSU and the NSW Branch.

**B. STEPS REQUIRED FOR APPROVAL OF ALTERATIONS TO THE NSW BRANCH RULE BOOK**

5. The requirements for approval of alterations to the NSW Branch rule book are provided for in the following rules:

**Power to alter rules**

1. Under **Rule 7.2(iii) of Chapter C** the Branch Council has the power to “make, amend and rescind rules for the regulation and government of the Branch.”

**Convening the meeting**

2. Under **Rule 7.3(b) of Chapter C** meetings must be convened “By the Branch President, or in her absence the Branch Vice President or in their absence the Branch Secretary.”

**Form of the meeting**

3. Under **Rule 7.3(c) of Chapter C** the meetings can be conducted by personal appearance, by electronic means, or a combination of both.

**Notice of the meeting**

4. **Rule 7.3(e) of Chapter C** requires “reasonable notice of all meetings must be given to each member of the Branch Council

**Special Quorum for any business relating to the affairs of the Sub-Branch**

5. The quorum requirements for an NSW Branch Council meeting are provided for in in **Rule 5G** of the NSW Branch rules. It states:

“At every meeting of the Branch Council , the quorum necessary for the transaction of any business of the Branch Council shall be eight, including six delegates who are branch members not allocated to the Sub-Branch, and two delegates who are Branch members allocated to the sub-branch in relation to any business before the Branch Council raised by or relating to the affairs of the Sub-Branch”

6. What follows is a narrative of the steps taken by the NSW Branch to make the alterations in the Amended NSW Branch Rule Book in accordance with the requirements in Chapter C and the NSW Branch Rule Book.

**C. BACKGROUND TO THE DECISION TO REMOVE THE SUB-BRANCH**

7. These rule changes are designed to remove the NSW Sub-Branch No 1 from the NSW Branch rules.
8. The NSW Branch currently has 34,728 members. Only about 300 members belong to the sub-branch. Since my election the sub-branch has been inactive.
9. I was elected as Branch Secretary by a casual vacancy election in 2017. In 2016, at the last full election for offices in the NSW Branch, no nominations were received for any offices related to the sub-branch on the Branch Council.
10. I have examined the files relevant to the sub-branch. I discovered two letters both dated 29 October 2015 from David Griffith, the then Assistant Secretary of the Sub-Branch to Anne Gardiner (my predecessor to the office of the General Secretary of the PSANSW and John Cahill (my predecessor in the role of Branch Secretary). Essentially the letters state at the 2016 AGM of the Sub-Branch it passed a resolution:

“The Sub-Branch to write to the CPSU(SPSF) NSW Branch NSW Branch Secretary to inform him that the sub-branch intends to dissolve at the 2016 AGM. We seek that the CPSU(SPSF) NSW Branch makes all the relevant rule changes and processes in order for that dissolution to occur
11. Some time prior to the 2016 elections (before I was elected) all officers of the sub-branch resigned. No steps were taken to amend the rules to remove the sub-branch. This created a problem because no vote could be taken on any matter that “related to the affairs of the Sub-Branch” without a quorum which included sub-branch officers.
12. In late 2018/early 2019 a casual vacancy election was held for a Branch Assistant Secretary for the Sub-Branch and for three delegate positions for sub-branch members on the Branch Council. All those positions were declared in February this year,
13. The Branch Council has now resolved to remove the sub-branch from the Rules of the NSW Branch

**D. BRANCH COUNCIL APPROVAL FOR THE ALTERATIONS**

**11 April notice of Branch Council meeting**

14. On 11 April 2019 the Branch President, Mary Court, directed Lesley Twigger to convene a meeting of the Branch Council.
15. At 4.44PM on 11 April 2019, Ms Twigger sent an e-mail to each of the NSW Branch Councillors informing them of a meeting by teleconference to be held on Monday 29 April 2019 at 12.30PM.
16. The 11 April 2019 e-mail attached: a formal notice of meeting, a full copy of the Amended NSW Branch Rule Book together with a memorandum dated 11 April 2019 from Mark Perica, the Senior Legal Officer of the CPSU(SPSF) and I which explained the rule changes proposed by the Amended NSW Branch Rule Book.

**The 29 April Branch Council meeting**

17. On Monday 29 April 2019 at 12.30PM the teleconference took place. The Branch President and Vice President were both apologies. In their absence, I chaired the teleconference.
18. A total of 17 Branch Councillors either attended in person or on the telephone. This included all four Branch Council members elected from the Sub-Branch. Mark Perica and Blake Stephens, from the Federal Office attended as observers.
19. When item 3 “proposed resolution to amend the Branch rules” was reached, Mark Perica, took the Branch Councillors through the proposed rule changes and the reason for them. After some discussion the following resolution was moved by H Bell and seconded by S Emery (who are both Councillors elected from the Sub-Branch):

“That Branch Council, having read the memorandum of Stewart Little and Mark Perica dated 11 April 2019 and the marked-up copy of the proposed new NSW Branch rules sent to Councillors under cover of an e-mail dated 11 April 2019 resolves to:

- Exercise its power under Chapter C Rule 7.2(b)(iii) to approve the proposed rule changes contained in the proposed new NSW Branch rules sent to us under cover of an e-mail with the memo; and
- Instruct the Branch Secretary to take all necessary steps to submit those proposed rule changes to the Fair Work Commission.”

20. The motion was carried unanimously. As the four Branch Councillors elected from the Sub-Branch had voted the Rule 5.G “special quorum” for matters relating to the sib-branch has been made out.

**E. DECLARATION OF RULE COMPLIANCE, TRUE PARTICULARS, AND WEBSITE PUBLICATION**

21. On Monday 29 April 2019, a properly convened teleconference/face to face meeting of the NSW Branch Council voted unanimously to approve the alterations in the Amended NSW Branch Rule Book. The meeting met the quorum requirements for matters relating to the affairs of the Sub-Branch

22. It follows the Branch has exercised its power under Chapter C Rule 7.2(b)(iii) to make the rule alterations.

23. I have directed the staff of the PSANSW/NSW Branch to place a notice on the PSANSW/NSW Branch website explaining that the application has been filed within ten days of filing it.

24. I therefore declare:

24.1. The alterations within the Amended NSW Branch Rule Book have been made in accordance with the rules of the CPSU and the Branch as required by **Regulation 126(2)(a)**;

24.2. This declaration established the actions taken by the NSW Branch Council to make the rules as required by Regulation **126(2)(b)**;

24.3. The particulars set out in the Notice of Particulars and these declarations are true and correct to the best of my knowledge

**DECLARED BY STEWART LITTLE, BRANCH SECRETARY OF THE CPSU (SPSF)  
NSW BRANCH AT SYDNEY IN THE STATE OF NSW THIS FRIDAY 3 MAY 2019**

  
.....  
**STEWART LITTLE**

*3 May 2019*

  
.....  
**BEFORE ME**

**FAIR WORK COMMISSION**

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

**Application under s159 to amend the rules of an organisation**

**IN THE MATTER OF:**

**AN APPLICATION TO ALTER THE RULE BOOK OF THE CPSU, THE COMMUNITY AND PUBLIC SECTOR UNION SPSF GROUP, NEW SOUTH WALES BRANCH (“THE NSW BRANCH”)**

**NOTICE OF PARTICULARS UNDER REGULATION 126(1) OF PROPOSED ALTERATIONS TO THE RULE BOOK OF THE NSW BRANCH**

1. I, Stewart Little, Branch Secretary, of Level 12 160 Clarence Street, Sydney in the State of New South Wales, give notice of the of alterations to rule book of the NSW Branch
2. The alterations proposed amend the NSW Branch rule book dated 14 October 2005 in R2005/304]
3. The reason for making the proposed alterations are to:
  - 3.1. Remove all references to SPSF Group Sub-Branch No 1 from the NSW Branch rules;
  - 3.2. Incorporate a modern numbering system which is consistent with the system used in Chapter C of the CPSU rule book;
  - 3.3. Remove provisions which replicate provisions in Chapter C;
  - 3.4. Include contemporary statutory and CPSU rule references;
  - 3.5. Remove one office of Assistant Branch Secretary (in order to match the position in the Associated Body rules)
  - 3.6. Include a transitional provision retaining the current Branch Council and officers up to the 2020 elections



**A. PARTICULARS OF PROPOSED ALTERATIONS TO THE NSW BRANCH RULE BOOK**

4. The alterations proposed by this application are listed in the table below:

Page	Rule Number	Rule Heading	Brief description of change
1		Heading before contents	Part A is no longer required as there is no sub branch
1	2	Registered Office	Removal of otiose language and sub-branch references
2	3.1	Interpretation	Removal of repealed Act reference
2	3.3	“	Removal of reference to the POA as an associated body
2	3.5	“	Modernise language
2-3	3.6 to 3.11	“	Modernise Language
3	4	Admission to membership	Removal of sub-branch references
3	5.1	Constitution of Branch Council	Removal of sub-branch references
3	5.2	Reserved positions	Simplification of language and separation in a sub-heading of the “reserved positions” provisions. Also, removal of sub-branch references
4	5.3	Financial members	Remove replication of Chapter C provision
4	5.4	Quorum	Removal of sub-branch references
4	6	Branch officers	Removal of sub-branch officers and change in Branch Assistant Secretaries from two to one
4	7	Quorum of Branch Executive	Removal of sub-branch references
5	8	Branch Fund	Modernisation of funds transfer facilities and removal of sub-branch references
5.	9	Out of Session Ballot	Modernisation of language and removal of replication of Chapter C provisions
5-6	10	General and Special Meetings	Updated Chapter C references and smaller paragraphs
6	11	Industry and advisory bodies	Shorter paragraphs and renumbering
6-7	12	Local Representatives	Removal of sub-branch references
7-8	13	Branch Associates	Incorporation of the relevant Chapter C references
8-10	14	Election of Branch Officers and Delegates to BC	Incorporation of Chapter C references and removal of sub-branch officers and one Branch Assistant Secretary position
10	15	Seniority of Vice Presidents	Shorter paragraphs and renumbering
11	16	Election of delegates to Federal Council	Removal of references to the sub-branch
11	17	Transition rule up to 2020 elections	This rule preserves the existing offices and Branch Council up until the 2020 election
11	Old 17	Special transition rule	This is redundant and will be deleted
11--18	Part B	Rules for the Operation of the Sub-Branch	Deleted infrastructure for sub-branch

**B. DECLARATIONS ON RULE COMPLIANCE, ACTION TAKEN, PUBLICATION OF NOTICE AND TRUTH REQUIRED BY REGULATIONS 126(1) (B0, AND 126(2)(a) to (c)**

5. I am authorised to make the following declarations:
- 5.1. I will file the following documents together with this notice of particulars:
- 5.1.1. A document entitled “the Amended NSW Rule Book” to the 3 May 2019 declaration of Stewart Little;
- 5.1.2. A declaration entitled “3 May declaration of Stewart Little in support of an application to alter the NSW Branch rule book” (“the Little Declaration”)
- 5.2. The Little Declaration establishes the actions taken by the NSW Branch to make the alterations particularised in this notice and establishes the alterations are made in accordance with the CPSU and NSW Branch rules.
- 5.3. I therefore declare:
- 5.3.1. The alterations were made in accordance with the Branch and CPSU rules;
- 5.3.2. The actions taken to make these alterations taken under those rules are outlined in the Little Declaration;
- 5.3.3. The particulars set out in this notice and the Little Declaration are true and correct to the best of my knowledge and belief.
- 5.3.4. I have given instructions to the NSW Branch staff to ensure that a notice explaining this application will be placed on the PSANSW/NSW Branch websites within ten days of making this application.

**DECLARED BY STEWART LITTLE, BRANCH SECRETARY OF THE CPSU(SPSF)  
NSW BRANCH, ON FRIDAY 3 MAY 2019**

  
**STEWART LITTLE**

*3 May 2019*

  
**BEFORE ME:**

**MARK DAMIAN PERICA**  
An Australian Legal Practitioner  
CPSU, the Community and Public Sector Union  
Level 10, 128 Exhibition Street  
Melbourne 3000

## HOATH, Rebekah

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**From:** Mark Perica <mark@spsf.asn.au>  
**Sent:** Friday, 3 May 2019 10:34 AM  
**To:** ROS  
**Cc:** Stewart Little; 'Blake Stephens'; Lesley Twigger; Tom Lynch (TAS)  
**Subject:** ON CMS R2019/48 | s159 Application by the NSW Branch of the CPSU(PSF) to alter the NSW Branch rule book  
**Attachments:** s1593MayLittlenoticeofparticulars.pdf; s1593MaydeclarationofLittle.pdf; V3190419 NSW Branch standalone tracked rules.docx

ON CMS [R2019/48](#)

Dear General Manager or Delegate,

I am the Senior Legal Officer of the CPSU(PSF) and I act for the NSW Branch of the CPSU(PSF) [“the NSW Branch”] in this matter.

### **Application under s159**

The NSW Branch, by this e-mail, makes an application under s159(1) of the *Fair Work (Registered Organisations) Act 2009*, for certification by the General Manager of alterations to the NSW Branch Rule Book.

Therefore in accordance with s159, and with Regulation 126, we now lodge:

1. A notice of particulars of the alterations to the NSW Branch rule book. It contains declarations made today by the Branch Secretary of the NSW Branch, as to the matters required by Regulation 126(2);
2. A document entitled “3 May 2019 declaration of Stewart Little to support an application to alter the rule book of the NSW Branch” (“the Little Declaration”);
3. An attachment to the Little Declaration headed “the Amended NSW Branch Rule Book” which is a full copy of the NSW Branch rules with the alterations marked as tracked changes.;

### **Further amendments to the rules will be required shortly and submissions on timing.**

We understand priority given to, and the timing of, certifications of rules before the General Manager is a matter for the Commission. There is, however, one matter we wish to raise in that respect.

The PSF and all its Branches have elections next year. On the day the NSW Branch Council approved these rule changes we received advice from counsel that the Branch can meet the criteria for an application for one election for the PSANSW and the Branch in the NSW Commission. This requires further amendments to the NSW Branch rules to match the office holders in the PSANSW and the Branch. In order for the one election application to apply next year, we are also required to make changes to the PSANSW rules and also to make the application in the State Commission. Given the number of steps involved it would be helpful for us (if it pleases the Commission) for this application to be progressed as quickly as possible.

I have care and conduct of this matter on behalf of the CPSU, please contact me either on my e-mail or on my mobile 0408 129 965 in relation to any issue concerning this application. I would also be grateful if I could be informed by e-mail of the matter number allocated to this application by the Commission.

Yours Sincerely



**Mark Perica**  
**Senior Legal Officer**  
**CPSU(SPSF)**