**DECLARATION**

I, **Karen Batt,** Union Secretary, of 1st Floor, 160 Clarence Street, Sydney in the State of New South Wales, declare as follows:

1. The proposed alterations to the rules of the CPSU were made in accordance with the rules of the organisation.
2. The action taken under those rules to make the alteration was as follows:
   1. Rule 15(d) of Chapter A of the Rules of the CPSU gives the National Officers Committee ("the NOC") the power to "*alter the Rules of the Union, other than the Rules of the SPSF Group Branches, providing always that:*

*“(iii) alterations to the Rules of Chapter C shall be approved by the NOC, by a majority of the votes exercisable in accordance with rule 16 in favour, only on the recommendation of the SPSF Group Federal Council.”*

* 1. Under Rule 26(i) of the SPSF Group Rules, which are Chapter C of the Rules of the CPSU, the Federal Council of the SPSF Group ("Federal Council") has the power to: *"Recommend to the National Officers Committee, or agree to or reject NOC recommendations on the making amendment or rescission of any of the rules of the Group or of the Union"*.
  2. Rule 42 of Chapter C states (so far as is relevant):

1. *Any decision which under these rules may be made by Federal Council in meeting assembled (including without limiting the generality of the foregoing the addition to or amendment or rescission of any Federal Rule or Rules by Federal Council) may be made by post in accordance with this rule and any decision so made shall be valid and effectual for all purposes.*
2. *Any postal ballot shall be held whenever so decided by Federal Council, Federal Executive, the Federal President or Federal Secretary or whenever requested of the Federal Secretary by any two Branches and shall be conducted by the Federal Secretary.*
3. *For the purposes of this Rule, by post shall mean that each member of the Federal Council or the Federal Executive (as the case may be) shall be forwarded in writing and sent by post, facsimile, or other electronic means, courier or communication delivered by hand a copy of the question upon which that member’s vote is required together with advice of the period in which the member is to record a vote being:*
   * 1. *If the question requires the exercise of Federal Council’s powers under Rule 26(i), 26 (ii) and 26 (iii) not less than 30 days; and*
     2. *In all other cases not less than 14 days*

...................

1. *No decision by postal ballot shall be effective on any question unless within the time appointed by the Federal Secretary or Federal President in forwarding the question upon which the Federal Councillors’ votes are required:*
2. *in the case of a postal ballot conducted as a result of a decision of Federal Council or Federal Executive no less than a majority of the total votes exercisable by Federal Councillors have been exercised thereon;*
3. *in any other case no less than 75 percent of the total votes exercisable by Federal Councillors have been exercised thereon.*

*A decision by postal ballot shall become effective before the time appointed is reached if and when it has received in its favour an absolute majority of the total votes exercisable and the provisions set out above have been met.”*

3. On 18 April 2013 the Federal Executive of the SPSF Group met in Hobart and the meeting carried the following resolution:

**That the Federal Executive approves the following alteration to Chapter C being put to a ballot of Federal Council:**

**That the Federal Council recommends, agrees to and endorses the amendment of the alteration of Chapter C of the Rules of the CPSU in Proposition 4 of the NOC Ballot 1.2011 which was declared carried by the NOC on 2 September 2011, by the National Officers’ Committee as attached but in summary:**

* **Throughout the Schedule the terms ‘Prison Branch’ and ‘rest of State Branch’ are replaced with the term ‘Sub-Branch’.**
* **At Rule 6.3 the term ‘bi-monthly’ is replaced with the term ‘every two months’.**
* **At Rule 7.3 the position of Branch Assistant Secretary is inserted as a Branch Executive Officer, and whose duties are described at Rule 16.5.**
* **At Rule 8.2 (and Rule 23.6) electoral terms for Sub-Branch delegates to Branch Council are varied from three to four years and elections for these positions are held in alternating even-numbered years.**
* **At Rule 8.3 the West Kimberley Regional Prison is included as a Northern Region Sub-Branches.**
* **At Rule 8.5 delegates to a Sub-Branch whose employment is transferred to a Prison in the geographic area of another Sub-Branch cease to be eligible to hold the position of delegate to the former Sub-Branch other than in the circumstances of a temporary transfer of less than six months.**
* **At Rule 12.1 the word ‘financial’ be inserted after the words “....first quarter of each” but before the word “year”.**
* **At Rule 13.1(c) a definition of a quorum for Special General Meetings is inserted.**
* **Rule 17 be deleted in its entirety.**
* **At Rule 19.7 the term “Branch Committee” be deleted and replaced with “local Committee”.**
* **Rule 22.3 regarding the use of the WAPOU seal is deleted in its entirety.**
* **At Rule 23.3 the following words be added: “....but where a person from outside the Branch is elected to the position, they will subsequently be deemed to possess all the rights and privileges of a member of the Branch. Employees of the Associated Body are eligible to be nominated for and hold these positions”. Delete the words “...and shall be a full time paid officer of the WAPOU Branch”.**
* **At 23.4 the proviso of six months financial membership before eligibility for these offices is removed.**
* **The electoral term of Branch Executive Officers is varied at Rule 23.4 from three to four years.**
* **Rule 25 is amended to read:**

**“These Rules come into effect upon their certification by the Fair Work Commission. The first elections for Branch Executive Officers will be held so that the result is declared no earlier than 1 May 2014 and no later than 30 June 2014 and thereafter in accordance with Rule 23.**

**Elections for delegates to Branch Council will be held so that the result is declared no earlier than 1 May 2014 and no later than 30 June 2014, with the next election of delegates elected from the Northern Region Sub-Branches to be declared no earlier than 1 May 2016 and no later than 30 June 2016 and the next election of delegates elected from the Sub-Branches other than the Northern Region to be declared no earlier than 1 May 2018 and no later than 30 June 2018, and thereafter in accordance with Rule 8.**

**The first elections for delegates to Federal Council shall be held so that the result is declared no earlier than 1 June 2014 and no later than 25 August 2014 and thereafter in accordance with Rule 54B of Chapter C of the Federal Rules.**

**The first election for Federal Vice-President and Branch Representative shall be held so that the result is declared no later than 31 December 2014 and thereafter in accordance with Rule 55B of Chapter C of the Federal Rules.**

**Until the first elections in accordance with this rule are held and declared, management of the WAPOU Branch will be vested in the Executive of the Western Australian Prison Officers’ Union.”**

**In Chapter C, Rule 12E the words :**

***“(Except for WAPOU Branch for as long as it does not contain members employed in either Higher Education or Health)”***

**are to be added between the words “sub-rule D of this Rule....” and “....then there shall be”**

The resolution was carried. Attached to the meeting papers was a copy of the proposed WAPOU Branch Rules as they appear attached to this declaration.

4. On 7 June 2013 I commenced a postal ballot of Federal Council, which sought relevantly approval of the following resolutions:

**PROPOSITION 3**

**That the Federal Council recommends, agrees to and endorses the amendment of the alteration of Chapter C of the Rules of the CPSU in Proposition 4 of the NOC Ballot 1.2011 which was declared carried by the NOC on 2 September 2011, by the National Officers’ Committee as attached but in summary:**

* **Throughout the Schedule the terms ‘Prison Branch’ and ‘rest of State Branch’ are replaced with the term ‘Sub-Branch’.**
* **At Rule 6.3 the term ‘bi-monthly’ is replaced with the term ‘every two months’.**
* **At Rule 7.3 the position of Branch Assistant Secretary is inserted as a Branch Executive Officer, and whose duties are described at Rule 16.5.**
* **At Rule 8.2 (and Rule 23.6) electoral terms for Sub-Branch delegates to Branch Council are varied from three to four years and elections for these positions are held in alternating even-numbered years.**
* **At Rule 8.3 the West Kimberley Regional Prison is included as a Northern Region Sub-Branches.**
* **At Rule 8.5 delegates to a Sub-Branch whose employment is transferred to a Prison in the geographic area of another Sub-Branch cease to be eligible to hold the position of delegate to the former Sub-Branch other than in the circumstances of a temporary transfer of less than six months.**
* **At Rule 12.1 the word ‘financial’ be inserted after the words “....first quarter of each” but before the word “year”.**
* **At Rule 13.1(c) a definition of a quorum for Special General Meetings is inserted.**
* **Rule 17 be deleted in its entirety.**
* **At Rule 19.7 the term “Branch Committee” be deleted and replaced with “local Committee”.**
* **Rule 22.3 regarding the use of the WAPOU seal is deleted in its entirety.**
* **At Rule 23.3 the following words be added: “....but where a person from outside the Branch is elected to the position, they will subsequently be deemed to possess all the rights and privileges of a member of the Branch. Employees of the Associated Body are eligible to be nominated for and hold these positions”. Delete the words “...and shall be a full time paid officer of the WAPOU Branch”.**
* **At 23.4 the proviso of six months financial membership before eligibility for these offices is removed.**
* **The electoral term of Branch Executive Officers is varied at Rule 23.4 from three to four years.**
* **Rule 25 is amended to read:**

**“These Rules come into effect upon their certification by the Fair Work Commission. The first elections for Branch Executive Officers will be held so that the result is declared no earlier than 1 May 2014 and no later than 30 June 2014 and thereafter in accordance with Rule 23.**

**Elections for delegates to Branch Council will be held so that the result is declared no earlier than 1 May 2014 and no later than 30 June 2014, with the next election of delegates elected from the Northern Region Sub-Branches to be declared no earlier than 1 May 2016 and no later than 30 June 2016 and the next election of delegates elected from the Sub-Branches other than the Northern Region to be declared no earlier than 1 May 2018 and no later than 30 June 2018, and thereafter in accordance with Rule 8.**

**The first elections for delegates to Federal Council shall be held so that the result is declared no earlier than 1 June 2014 and no later than 25 August 2014 and thereafter in accordance with Rule 54B of Chapter C of the Federal Rules.**

**The first election for Federal Vice-President and Branch Representative shall be held so that the result is declared no later than 31 December 2014 and thereafter in accordance with Rule 55B of Chapter C of the Federal Rules.**

**Until the first elections in accordance with this rule are held and declared, management of the WAPOU Branch will be vested in the Executive of the Western Australian Prison Officers’ Union.”**

**PROPOSITION 4**

**That Federal Council recommends, agrees to and endorses the alteration of Rule 12E of Chapter C of the Rules of the CPSU by the National Officer’s Committee as follows:**

**In Chapter C, Rule 12E the words :**

***“(Except for WAPOU Branch for as long as it does not contain members employed in either Higher Education or Health)”***

**are to be added between the words “sub-rule D of this Rule....” and “....then there shall be”**

Attached to the ballot papers was a copy of the proposed WAPOU Branch Rules as they appear attached to this declaration.

5. As the postal ballot was initiated by a resolution of the Federal Executive, a simple majority of the votes exercisable had to be cast to comply with Rule 42 E(i) of Chapter C.

6. By 12 July 2013 55 of the 97 votes exercisable had been exercised on the propositions and all those 55 votes were exercised in favour of both propositions set out in above. The requirements of Rule 26(i) and Rule 42 were consequently satisfied.

1. A meeting of the National Officer’s Committee was convened on 23 July 2013 in accordance with Rule 17e of Chapter A of the CPSU Rules. Attached to the ballot papers was a copy of the proposed WAPOU Branch Rules as they appear attached to this declaration. The following proposed resolutions were declared carried:

**PROPOSITION 1**

**That the National Officers Committee approves the amendment of the alteration of Chapter C of the Rules of the CPSU in Proposition 4 of the NOC Ballot 1.2011 carried by the NOC on 2 September 2011 as attached but in summary:**

* **Throughout the Schedule the terms ‘Prison Branch’ and ‘rest of State Branch’ are replaced with the term ‘Sub-Branch’.**
* **At Rule 6.3 the term ‘bi-monthly’ is replaced with the term ‘every two months’.**
* **At Rule 7.3 the position of Branch Assistant Secretary is inserted as a Branch Executive Officer, and whose duties are described at Rule 16.5.**
* **At Rule 8.2 (and Rule 23.6) electoral terms for Sub-Branch delegates to Branch Council are varied from three to four years and elections for these positions are held in alternating even-numbered years.**
* **At Rule 8.3 the West Kimberley Regional Prison is included as a Northern Region Sub-Branches.**
* **At Rule 8.5 delegates to a Sub-Branch whose employment is transferred to a Prison in the geographic area of another Sub-Branch cease to be eligible to hold the position of delegate to the former Sub-Branch other than in the circumstances of a temporary transfer of less than six months.**
* **At Rule 12.1 the word ‘financial’ be inserted after the words “....first quarter of each” but before the word “year”.**
* **At Rule 13.1(c) a definition of a quorum for Special General Meetings is inserted.**
* **Rule 17 be deleted in its entirety.**
* **At Rule 19.7 the term “Branch Committee” be deleted and replaced with “local Committee”.**
* **Rule 22.3 regarding the use of the WAPOU seal is deleted in its entirety.**
* **At Rule 23.3 the following words be added: “....but where a person from outside the Branch is elected to the position, they will subsequently be deemed to possess all the rights and privileges of a member of the Branch. Employees of the Associated Body are eligible to be nominated for and hold these positions”. Delete the words “...and shall be a full time paid officer of the WAPOU Branch”.**
* **At 23.4 the proviso of six months financial membership before eligibility for these offices is removed.**
* **The electoral term of Branch Executive Officers is varied at Rule 23.4 from three to four years.**
* **Rule 25 is amended to read:**

**“These Rules come into effect upon their certification by the Fair Work Commission. The first elections for Branch Executive Officers will be held so that the result is declared no earlier than 1 May 2014 and no later than 30 June 2014 and thereafter in accordance with Rule 23.**

**Elections for delegates to Branch Council will be held so that the result is declared no earlier than 1 May 2014 and no later than 30 June 2014, with the next election of delegates elected from the Northern Region Sub-Branches to be declared no earlier than 1 May 2016 and no later than 30 June 2016 and the next election of delegates elected from the Sub-Branches other than the Northern Region to be declared no earlier than 1 May 2018 and no later than 30 June 2018, and thereafter in accordance with Rule 8.**

**The first elections for delegates to Federal Council shall be held so that the result is declared no earlier than 1 June 2014 and no later than 25 August 2014 and thereafter in accordance with Rule 54B of Chapter C of the Federal Rules.**

**The first election for Federal Vice-President and Branch Representative shall be held so that the result is declared no later than 31 December 2014 and thereafter in accordance with Rule 55B of Chapter C of the Federal Rules.**

**Until the first elections in accordance with this rule are held and declared, management of the WAPOU Branch will be vested in the Executive of the Western Australian Prison Officers’ Union.”**

**PROPOSITION 2**

**That the National Officers Committee approves the alteration of Rule 12E of Chapter C of the Rules of the CPSU as follows:**

**In Chapter C, Rule 12E the words :**

***“(Except for WAPOU Branch for as long as it does not contain members employed in either Higher Education or Health)”***

**are to be added between the words “sub-rule D of this Rule....” and “....then there shall be”**

1. The facts stated in the application and the particulars therein are true and correct to the best of my knowledge and belief.

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| **Dated this day of September 2013** | |
| **Karen Batt**  **Joint National Secretary**  **CPSU, the Community and Public Sector Union** |  |
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