Application for Consent to the Alteration of Rules of an Organisation

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| IN FAIR WORK COMMISSION | *FWA use only* |
|  | **FWA Matter No.:**  |

**APPLICATION FOR CONSENT TO THE ALTERATION OF RULES OF AN ORGANISATION**

*Fair Work (Registered Organisations) Act 2009* section 159

*Fair Work (Registered Organisations) Regulations 2009* clause 126

**Applicant Organisation**

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| **Name:** | CPSU, the Community and Public Sector Union |
|  |  | **ABN:** | **31 572 641 712** |
| **Address:** | 1st Floor, 160 Clarence Street |
| **Suburb:** | Sydney | **State:** | NSW | **Postcode:** | 2000 |
| **Contact person:** | Troy Wright |
|  | **Title** Mr [🗸] Mrs [ ] Ms [ ] Other [ ] specify: |
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The Applicant applies for consent to the alteration of the eligibility rules of the organisation as follows:

At Chapter C, a new Rule 6B be added:

*“ 6B – ADMISSION TO MEMBERSHIP – DIRECT APPLICATION FROM QUEENSLAND*

1. *Notwithstanding any other provisions of these rules or those of any Branch or of any Associated Body, a candidate eligible for membership in the State of Queensland may make an application to the Federal Council or the Federal Executive, which, subject to the provisions of the Act, shall have the power to accept or reject such applications.*
2. *Candidates shall supply such information as required by Federal Council of Federal Executive including, but not limited to, their name, address, employer, classification and salary, and shall sign an application form for the Group’s records.*
3. *The Federal Secretary shall maintain a membership register of all members enrolled in this manner.*
4. *The membership fees, including any subscriptions and levies, for a member enrolled in this manner shall be set by Federal Council in accordance with Rule 26.*
5. *Members enrolled in this manner will be attached to a Branch by the Federal Council or Federal Executive in accordance with Rule 6.*
6. *For the avoidance of any doubt, the power of the Federal Council or the Federal Executive to enrol members from the State of Queensland under this rule is additional to any capacity to enrol members contained within these rules, the rules of any Branch or the rules of any Associated Body.”*

In Chapter C, Rule 44 a new sub-section be added:

*“H. Notwithstanding any other provisions of this rule or elsewhere within these Rules, the entrance fees, subscriptions, levies and other fees of a member from the State of Queensland who has applied directly for membership to the Federal Council or Federal Executive through the provisions of Rule 6B of Chapter C shall be paid directly to the Group.”*

**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 above proposed alteration to the eligibility rules of the CPSU was 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*

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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 alteration of Chapter C of the Rules of the CPSU by the National Officers’ Committee as follows:**

**At Chapter C, a new Rule 6B be added:**

***“ 6B – ADMISSION TO MEMBERSHIP – DIRECT APPLICATION FROM QUEENSLAND***

1. ***Notwithstanding any other provisions of these rules or those of any Branch or of any Associated Body, a candidate eligible for membership in the State of Queensland may make an application to the Federal Council or the Federal Executive, which, subject to the provisions of the Act, shall have the power to accept or reject such applications.***
2. ***Candidates shall supply such information as required by Federal Council of Federal Executive including, but not limited to, their name, address, employer, classification and salary, and shall sign an application form for the Group’s records.***
3. ***The Federal Secretary shall maintain a membership register of all members enrolled in this manner.***
4. ***The membership fees, including any subscriptions and levies, for a member enrolled in this manner shall be set by Federal Council in accordance with Rule 26.***
5. ***Members enrolled in this manner will be attached to a Branch by the Federal Council or Federal Executive in accordance with Rule 6.***
6. ***For the avoidance of any doubt, the power of the Federal Council or the Federal Executive to enrol members from the State of Queensland under this rule is additional to any capacity to enrol members contained within these rules, the rules of any Branch or the rules of any Associated Body.”***

**In Chapter C, Rule 44 a new sub-section be added:**

***“H. Notwithstanding any other provisions of this rule or elsewhere within these Rules, the entrance fees, subscriptions, levies and other fees of a member from the State of Queensland who has applied directly for membership to the Federal Council or Federal Executive through the provisions of Rule 6B of Chapter C shall be paid directly to the Group.”***

4. On 24 April 2013 I commenced a postal ballot of Federal Council, which sought approval of the following resolutions:

**PROPOSITION 1**

**That Federal Council recommends, agrees to and endorses the alteration of Chapter A of the Rules of the CPSU by the National Officers Committee as follows:**

**At Chapter C, a new Rule 6B be added:**

***“ 6B – ADMISSION TO MEMBERSHIP – DIRECT APPLICATION FROM QUEENSLAND***

1. ***Notwithstanding any other provisions of these rules or those of any Branch or of any Associated Body, a candidate eligible for membership in the State of Queensland may make an application to the Federal Council or the Federal Executive, which, subject to the provisions of the Act, shall have the power to accept or reject such applications.***
2. ***Candidates shall supply such information as required by Federal Council of Federal Executive including, but not limited to, their name, address, employer, classification and salary, and shall sign an application form for the Group’s records.***
3. ***The Federal Secretary shall maintain a membership register of all members enrolled in this manner.***
4. ***The membership fees, including any subscriptions and levies, for a member enrolled in this manner shall be set by Federal Council in accordance with Rule 26.***
5. ***Members enrolled in this manner will be attached to a Branch by the Federal Council or Federal Executive in accordance with Rule 6.***
6. ***For the avoidance of any doubt, the power of the Federal Council or the Federal Executive to enrol members from the State of Queensland under this rule is additional to any capacity to enrol members contained within these rules, the rules of any Branch or the rules of any Associated Body.”***

**PROPOSITION 2**

**That Federal Council recommends, agrees to and endorses the alteration of Chapter A of the Rules of the CPSU by the National Officers Committee as follows:**

**In Chapter C, Rule 44 a new sub-section be added:**

***“H. Notwithstanding any other provisions of this rule or elsewhere within these Rules, the entrance fees, subscriptions, levies and other fees of a member from the State of Queensland who has applied directly for membership to the Federal Council or Federal Executive through the provisions of Rule 6B of Chapter C shall be paid directly to the Group.”***

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 24 May 2013 57 of the 97 votes exercisable had been exercised on the propositions and all those 57 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’ Committee was convened on 23 July 2013 in accordance with Rule 17e of Chapter A of the CPSU Rules. The following proposed resolutions were declared carried:

**PROPOSITION 1**

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

**At Chapter C, a new Rule 6B be added:**

***“ 6B – ADMISSION TO MEMBERSHIP – DIRECT APPLICATION FROM QUEENSLAND***

1. ***Notwithstanding any other provisions of these rules or those of any Branch or of any Associated Body, a candidate eligible for membership in the State of Queensland may make an application to the Federal Council or the Federal Executive, which, subject to the provisions of the Act, shall have the power to accept or reject such applications.***
2. ***Candidates shall supply such information as required by Federal Council of Federal Executive including, but not limited to, their name, address, employer, classification and salary, and shall sign an application form for the Group’s records.***
3. ***The Federal Secretary shall maintain a membership register of all members enrolled in this manner.***
4. ***The membership fees, including any subscriptions and levies, for a member enrolled in this manner shall be set by Federal Council in accordance with Rule 26.***
5. ***Members enrolled in this manner will be attached to a Branch by the Federal Council or Federal Executive in accordance with Rule 6.***
6. ***For the avoidance of any doubt, the power of the Federal Council or the Federal Executive to enrol members from the State of Queensland under this rule is additional to any capacity to enrol members contained within these rules, the rules of any Branch or the rules of any Associated Body.”***

**PROPOSITION 2**

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

**In Chapter C, Rule 44 a new sub-section be added:**

***“H. Notwithstanding any other provisions of this rule or elsewhere within these Rules, the entrance fees, subscriptions, levies and other fees of a member from the State of Queensland who has applied directly for membership to the Federal Council or Federal Executive through the provisions of Rule 6B of Chapter C shall be paid directly to the Group.”***

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 August 2013** |
| **Karen Batt****Joint National Secretary****CPSU, the Community and Public Sector Union** |  |
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