

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 CHAPTER C RULE BOOK OF THE CPSU, the
COMMUNITY AND PUBLIC SECTOR UNION (“CPSU”)**

**NOTICE OF PARTICULARS UNDER REGULATION 126(1) OF PROPOSED
ALTERATIONS TO THE CHAPTER C RULE BOOK OF THE CPSU**

1. I Thomas Lynch, the Joint National President of the CPSU, and the Federal President of the CPSU (SPSF), give notice of the particulars of the alterations to Chapter C of the rules of the CPSU.’
2. The amendments propose an amended Chapter C which would replace the rule book dated 12 April 2018 in R2017/720.

The reason for making the proposed alterations are to:

- 2.1. ensure the Branch Secretaries are ex officio members of the Federal Executive as Federal Vice Presidents [except in circumstances where a Branch Secretary is the Federal Secretary in which case an election will be required for the Federal Vice President in that Branch.];
- 2.2. extend the franchise for the office of Branch representative on Federal Executive to the whole of the Branch Council [it was previously only open to Federal Council delegates];
- 2.3. extend the franchise for the office of Federal President to the whole of the Federal Council [it was previously only open to Federal Vice Presidents];
- 2.4. reduce the number of stages in the Branch election process from 4 to 3; and
- 2.5. make it clear that a person who is unfinancial cannot hold office in the SPSF Group.

A. PARTICULARS OF PROPOSED ALTERATIONS TO THE CHAPTER C RULE BOOK

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

Page	Rule Number	Rule	Brief Description of Change
1	1.1(k)	Definitions	The term "Federal Council Delegate" is included for consistency of language
1	1.1(l)	Definitions	Changing inept syntax
2	3.1	Federal Council Constitution	Amended description of Federal Council to include Branch Reps on FE
2 and 3	3.2(a) to (d)	Federal Council Delegates	"Delegate" is included for consistency of language
3	3.3(e) to (h)	Fed Council – Vote Allocation	The term "Federal Council Delegate" is included for consistency of language
3	3.3(h)	Fed Council – Vote Allocation	Internal sub-rule reference is wrong. It should refer to Rule 52.
4	3.4, 3.5 and 3.6	Fed Council – Vote Allocation	The term "Federal Council Delegate" is included for consistency of language
6	3.9(a)(ii)	Fed Council – business of ordinary meetings	The term "Federal Council Delegate" is included for consistency of language
7	3.10(b)(ii)	Fed Council – special meetings	The term "Federal Council Delegate" is included for consistency of language
8	3.11(h)	Federal Council – out of session ballots	The term "Federal Council Delegate" is included for consistency of language
8	4.1(a) and (c)	Federal Executive Constitution	"Branch Representative to Federal Executive" and "Federal Council Delegates from the Branch" language clarified
9	4.4(a)(ii)	Fed Exec Business	Clarification of language
15	7.4(d)(i)	Branch Council out of session	The "C" in Council has been capitalised
19	12.1(b)	Fed Officers - composition	This is deleted considering change to ex officio appointment
22	New 13.5(e)	Branch Secretaries Duties	Branch Secretary will also be Federal VP (with one exception)
22	13.6	Branch Assistant Duties	Remove redundant word "the duties"
23-24	Part 3 – Elections and Appointments	Elections and Appointments table	Change to accommodate ex officio positions (including the inclusion of an explanatory note)
25-26	15(1) (f)	Collegiate Voting System	Change to accommodate change in Franchise for Branch rep on Federal Executive and for Branch Secretary Ex officio Federal VP and clarification of positions for Federal Council Delegates and Branch Rep on Federal Executive
33	20.11	New Heading "Nominees"	For consistent style

39	Part 3C	Collegiate Elections	Only circumstances where a collegiate election is required for Fed VP if Branch Secretary is Federal Secretary
40	32.2	Branch Delegates to Federal Council timetable	Changes to accommodate Branch Secretary being ex officio Federal VP
40	32.3	Branch Rep to FE	Deleted in timetable because it takes place when Branch delegates to Federal Council are elected
40-41	32.4	Seniority of Federal VPs	Not necessary to include election of VPs because an election will not be required to be held unless Branch Secretary is also Federal Secretary
41	32.5	Federal President	Increase in franchise to Federal Council
42	33.3	Eligibility to nominate for Branch Rep on FE	Increased franchise to delegates to Branch Council
42	33.4	Eligibility to nominate for Fed VP	Changed to reflect Branch Secretaries are ex officio Fed VPs
42	33.5	Eligibility to nominate for Fed President	Changed to reflect broader franchise for FP to include branch reps to Federal Executive
43	33.10	Table of Nominators	Changes to reflect changes franchise for Branch Rep to Federal Executive and FVP is ex officio in most circumstances
43	34.1(c)	Holding more than one office	Needed amendment to accommodate changes in franchise and ex officio
44-45	37.1	Roll of Voters	Rolls are different because Fed VP usually filled ex officio and Branch Rep to Federal Executive franchise changed
47-48	42.1	Order of declaration for Elections – Branch Elections	New sub-rule required new heading
48	42.3	Order of declaration for Elections – Federal Officer Elections	New order due to changes in franchise and ex officio
50	44.1	Causal Vacancies	Change in order of words for greater precision
60	58.3(d)	Termination of membership	Termination of membership for unfinanciality means termination of office

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

4. I am authorized to make the following declarations:

4.1. I will file the following documents together with this notice of particulars:

4.1.1. A document entitled "OCTOBER TENDRAFT" to the 17 December 2018 declaration of Thomas Lynch;

4.1.2. A declaration entitled 17 December declaration of Thomas Lynch in support of an application to alter the Chapter C rule book of the CPSU" ("the Lynch declaration")

4.2. The Lynch declaration establishes the actions taken by the CPSU to make the alterations particularised in this notice and establishes the alterations are made in accordance with the CPSU rules.

4.3. I therefore declare:

4.3.1. The alterations were made in accordance with the CPSU rules;

4.3.2. The actions taken to make these alterations taken under those rules are outlined in the Lynch declaration;

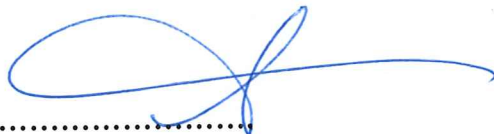
4.3.3. The particulars set out in this notice and the Lynch declaration are true and correct to the best of my knowledge and belief.

4.3.4. I have given instructions to the Federal Office staff of the SPSF Group to post a notice explaining this application has been lodged on the website of the CPSU (SPSF) within ten days of making this application.

**DECLARED BY THOMAS LYNCH, JOINT NATIONAL PRESIDENT OF THE CPSU,
ON WEDNESDAY 19 DECEMBER 2018**



.....
THOMAS LYNCH, JOINT NATIONAL PRESIDENT, CPSU



.....
BEFORE ME

Grant David Rowseley
JP 4819.