



Australian Government
Registered Organisations Commission

4 June 2019

Ms Karen Batt
Federal and Branch Secretary
CPSU, State Public Services Federation Group
Victorian Branch

By email: kbatt@cpsuVIC.org

Dear Ms Batt

Exemption from financial training application for Mr Wayne Townsend – Community and Public Sector Union – State Public Services Federation Victorian Branch (CPSU – SPSF Vic Branch) – GT2019/20

I refer to your application dated 7 March 2019, for an exemption under section 293M of the *Fair Work (Registered Organisations) Act 2009 (RO Act)* on behalf of Mr Wayne Townsend.

As you would be aware, section 293K of the RO Act requires each officer of an organisation or branch whose duties include financial duties that relate to the financial management of the organisation or branch, to undertake approved training that covers each of the officer's financial duties, unless exempted under section 293M.

Section 293M of the RO Act allows the Commissioner to grant an exemption if he is satisfied that the officer has a proper understanding of the officer's financial duties within the organisation or branch due to the officer's:

- a) experience as a company director;
- b) experience as an officer of a registered organisation; or
- c) other professional qualifications or experience.

The Commissioner has formally delegated to the Executive Director of the Registered Organisation Commission (**ROC**), the relevant powers relating to the exemption of approved training.

You have advised that Mr Townsend was appointed to fill a casual vacancy for the office of Branch Assistant Secretary on 25 February 2019. The appointment occurred pursuant to rule 44.2 of the CPSU-Chapter C-SPSF Group rules (**the rules**). If the application for an exemption under section 293M of the RO Act is refused, approved training in accordance with section 293K would be required to be completed by 25 August 2019.

Assessment

In the circumstances of this application, I must be satisfied that Mr Townsend has a proper understanding of his financial duties with respect to his appointment to this office because of his experience as an officer of a registered organisation or other professional qualifications or experience.

Rule 13.1 provides that the Branch Assistant Secretary is a Branch officer and a member of the Branch Council and the Branch Executive.

In accordance with rule 7.2 the Branch Council has power to control and manage the business and affairs of the Branch, which includes the power to:

- set the salaries, conditions, work and location of Branch Officers;
- authorise the disbursement of moneys from the Branch fund for any purpose within the objects of the Union; and

for the purposes of the managing the Branch fund, the power to:

- buy, sell rent, lease, sublet or otherwise deal with property, real or personal;
- enter into any contract;
- borrow money and mortgage or charge any real or personal property of the Branch ; and
- establish any company or trust to hold, or assign on trust, any real or personal property of the Branch fund.

Rule 8.3 provides that the Branch Executive is the committee of management of the Branch between meetings of the Branch Council and has power to exercise all of the financial responsibilities of the Branch Council.

Rule 13.5 provides that the Branch Secretary is the Executive Officer of the Branch and is responsible for the effective administration and operation of the Branch. The Branch Secretary exercises duties which include:

- ensuring the decisions of Branch Council are implemented;
- directing staff to assist the Branch conduct its affairs and fix the salary, remuneration, duties and delegated responsibilities of such staff; and
- keep proper books of account of the Branch and see to the preparation of an annual balance sheet and statement of receipts and payments.

In respect to the duties of the Branch Secretary, rule 13.6 provides that the Branch Assistant Secretary will amongst other duties:

- assist the Branch Secretary to perform all the duties of Branch Secretary; and
- perform the duties of the Branch Secretary in the absence of the Branch Secretary.

You have submitted that the specific circumstances that warrant consideration for Mr Townsend's exemption from undertaking training under section 293M relate to the fact that Mr Townsend:

- participated in the development of Branch governance policies for adoption by the Victorian Branch Council in 2017;
- attended the Fair Work Commission approved ACTU Union Governance (Train the Trainer) course in 2013 and the ROC approved ACTU Union Governance (Train the Trainer) ('the ACTU training') course in 2017;

following which, in each case, he provided union governance training to the Victorian Branch Council and senior Branch staff;

- achieved the Governance Institute of Australia Certificate in Governance for Not-for-Profits, on 9 October 2017; and

- has registered for the ACTU Train the Trainer refresher course scheduled for 12 July 2019.

A copy of each certificate evidencing Mr Townsend's completion of the ACTU training in 2013 and 2017, and the certificate awarded by the Governance Institute of Australia have been provided in support of the application.

Decision

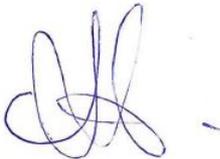
In considering this application, I have taken into account Mr Townsend's most recent undertaking of the ACTU Union Governance training course in August 2017, the content of which has not changed since that time, his experience in delivering financial governance training to the members of the Victorian Branch Council, all of whom exercise financial duties and to the senior staff of the Victorian Branch, since 2013, and his participation in the development of the Victorian Branch governance policy framework in 2017.

I therefore grant Mr Townsend an exemption from undertaking approved financial training in respect to the office of Branch Assistant Secretary. Taking into account all of the material before me and all relevant matters, I do not consider that any conditions are, in this case, appropriate. In accordance with section 293M(2), I am satisfied that Mr Townsend has a proper understanding of his financial duties.

As part of its commitment to educating registered organisations and their officers as to the duties and obligations under the RO Act, the ROC regularly publishes information (including decisions) to assist in this regard. On that basis, I request that you consider consenting to the publication of this decision on the page of the ROC's website dedicated to your organisation. I request that you advise the ROC of your view in this regard by **Friday 14 June 2019**.

Any inquiries you may have in relation to this matter may be directed to Andrea O'Halloran, Senior Adviser either by email to andrea.ohalloran@roc.gov.au or by phone on 03 9954 2965.

Yours faithfully



Chris Enright
Executive Director
Registered Organisations Commission