

25 August 2016

Australian Electoral Commission
Industrial & Commercial Elections
NSW State Office

Attn: Ms Renee Damasena

Dear Renee,

RE: E2016/113 – Post Election Report

I am sorry to hear that there was a confusion around the election process. The Industrial Staff Union Management Committee met on the 17 August 2016 to review your report and develop a position in response.

The Resolution of the ISU Management Committee was as follows:

Ex.23 RESOLUTION

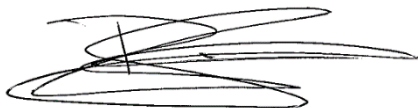
Proposed: Blake Stephens, Greg Corrigan

That a special general meeting is held to amend the election rules so that candidates are listed in alphabetical order of their surname when a ballot is required for more than one nominee for a position. The Secretary is to report this to the AEC and FWC.

CARRIED

The ISU Management Committee feels that this should help clarify the situation and prevent any such uncertainty again in the future. If the AEC has any issues with this, or would like to provide feedback you can contact me on bstephens@psa.asn.au or 0409 993 976.

Regards



Blake Stephens
Secretary

2 August 2016

Mr Blake Stephens
Secretary
Industrial Staff Union - PSA of NSW
Email: bstephens@psa.asn.au



Dear Mr Stephens,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election [E2016/113]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the *Fair Work (Registered organisations) Regulations 2009*).

Holders of office required to undertake approved training

Section 154D(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act) requires the rules of organisations (and branches of organisations) to require each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which should be provided for in your organisation's rules.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Industrial Staff Union - PSA of NSW must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.
2. Person(s) who have commenced to hold office:
 - the name of the office now held;
 - the date of the change of office holder;
 - the name of the person now holding the office;
 - the postal address of the person (generally the postal address of the organisation); and
 - the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. I have attached a template notification of changes which may assist you. If any change does not apply until a specific date, you don't need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards
Michael Moutevelis
Regulatory Compliance Branch

**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return)
required to be kept in accordance with section 230 *Fair Work (Registered Organisations)
Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009***

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 1. [include OLD name and address and NEW name and address of every branch that has changed]
 2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:³
 - COMMENCED/CEASED operation:
 1. [include name of each new branch]
 2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to.]

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Reason for change	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder (for privacy reasons, we recommend NOT a private address)	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Retiring</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
...							
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Resignation</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
...							



2 August 2016

Mr Blake Stephens
Secretary
Industrial Staff Union - PSA of NSW
Email: bstephens@psa.asn.au

Dear Mr Stephens

Organisation must respond to the post-election report of the Australian Electoral Commission: E2016/113

On 1 August 2016 the Fair Work Commission (the Commission) received a post election report from the Australian Electoral Commission (AEC) for election E2016/113 dated 1 August 2016. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular the rules do not state the method of determining the order of candidates on the ballot paper. This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regs 141(4) and (5)).

A written response must be provided to the AEC

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

Extract of report must be made available to members

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

Written response must be made available to members

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and

- within 30 days of giving the response to the AEC:
 - lodges with the Commission a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
 - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

Penalties may apply

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the Commission for assistance by email to orgs@fwc.gov.au.

If the organisation or branch decides to alter its rules in response to the AEC's report

If the organisation or branch decides to alter its rules in response to the AEC's report, the Regulatory Compliance Branch of the Commission is able to provide advice and assistance regarding draft alterations, as well as about the processes required to make the alterations. We encourage the organisation or branch to forward drafts of proposed alterations to orgs@fwc.gov.au

Yours sincerely

Michael Moutevelis

Regulatory Compliance Branch

From: Renee Damasena <Renee.Damasena@aec.gov.au>
Sent: Monday, 1 August 2016 3:57 PM
To: 'bstephens@psa.asn.au'
Cc: Orgs; Industrial Elections
Subject: Post Election Report E2016/113 - ISU-PSA of NSW [DLM=For-Official-Use-Only]
Attachments: PER ISUPSANSW.pdf; Declaration.pdf

Categories: RIA

For-Official-Use-Only

Mr. Blake Stephens
Secretary
Industrial Staff Union – PSA of NSW

Dear Mr. Stephen,

Post-Election Report for Industrial Staff Union – PSA of NSW Scheduled Election E2016/113

I refer to the above election for Industrial Staff Union – PSA of NSW.

Section 197(1) of the *Fair Work (Registered Organisations) Act 2009* (“the Act”) requires the AEC to provide a written report on the conduct of the election to the Fair Work Commission and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of the Act requires that if an organisation or branch is given a post- election Report under Section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to industrial.elections@aec.gov.au within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the Post-Election Report and the organisation’s response to the report (if applicable) available to members.

Further, Regulation 141(4) of the *Fair Work (Registered Organisations) Regulations 2009* requires an organisation or branch to publish a notice on its website advising members that a copy of the Post-Election Report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Regards

Ms. Renee Damasena | Assistant Director
Industrial & Commercial Elections | NSW State Office
Australian Electoral Commission
T: (02) 9375 6361 | M: 0423 001 101 | F: (02) 6215 9910



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Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Industrial Staff Union – PSA of NSW

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: E2016/113

RULES

Rules used for the election: [155N: Incorporates alterations of 09/03/2016 in matter number R2016/19]

Rules difficult to apply/interpret: 1. The rules do not state the method of determining the order of candidates on the ballot paper. For the purpose of this election, the Returning Officer conducted a ballot draw.

Model Rule reference (if any): See above

ROLL OF VOTERS

Total number of voters on the Roll: See attached Declaration of Results.

Number of apparent workplace addresses: NA

Number of non-current addresses: NA

Other matters pertaining to the roll of voters: NA

IRREGULARITIES

Details of written allegations of irregularities, and action taken by AEC: Nil

Other irregularities identified, and action taken: NA

ATTACHMENTS

1. Declaration of Results



Renee Damasena
Returning Officer
1 August 2016

Industrial Staff Union Scheduled Election 2016

Declaration of Results for Contested and Uncontested Offices

E2016/113

Below are the results of the election for the following offices, conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation.

NSW

Total number of names on the roll of voters	79
Ballot papers issued	79
Replacement ballot papers issued	1
Total Ballot Papers Issued	80
Ballot papers / envelopes returned for scrutiny	49
Less ballot papers / envelopes rejected at preliminary scrutiny	1
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	48
Percentage of ballot papers returned to number issued	61%
Ballot papers returned as unclaimed mail	3
Ballot papers not returned	28

President

<u>Candidates</u>	<u>Votes</u>
WRIGHT, Anthony	22
CORRIGAN, Greg	26
Total votes	48

I declare Greg Corrigan elected.

Vice-President

Candidates

DANGERFIELD, Phoebe

I declare Phoebe Dangerfield elected.

Treasurer

Candidates

MACKINTOSH, Michelle

I declare Michelle MacKintosh elected.

Secretary

Candidates

STEPHENS, Blake

I declare Blake Stephens elected.

Assistant Secretary

Candidates

LEDIC, Marianne

I declare Marianne Ledic elected.



Renee Damasena
Returning Officer
Australian Electoral Commission

20 July 2016



Copy of Signed Decision

Title of Matter: Application/Notification by Industrial Staff Union - PSA of NSW
Section: s.189(1) RO Act - Notification of elections for office
Subject: Secretary, Assistant Secretary, President, Vice-President, Treasurer
Matter Number(s): E2016/113

A copy of the Delegate's decision is attached for your information.

The relevant rulebook can be accessed via the Fair Work Commission's [website](#).

Dear Industrial Staff Union - PSA of NSW,

Section 233(2) of the *Fair Work (Registered Organisations) Act 2009* requires details of changes to an organisation's records to be declared to the Fair Work Commission. This includes changes to officers as a result of elections. Changes must be declared within 35 days and a template is available from the [website](#).

Dear Australian Electoral Commissioner via the Electoral Officer,

Under subsection 189 of the *Fair Work (Registered Organisations) Act 2009*, please arrange for the conduct of the above election.

Contact: Mr Blake Stephens of the organisation, as per the prescribed information.

Please send any declaration(s) and post election report to the Fair Work Commission at orgs@fwc.gov.au.

Inquiries:

Any inquiries relating to this matter are to be directed to David Vale through orgs@fwc.gov.au.

8 APRIL 2016



DECISION

Fair Work (Registered Organisations) Act 2009
s.189—Arrangement for conduct of an election

Industrial Staff Union - PSA of NSW
(E2016/113)

MR ENRIGHT

MELBOURNE, 8 APRIL 2016

Arrangement for conduct of election.

[1] On 23 March 2016 the Industrial Staff Union - PSA of NSW lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Secretary	(1)
Assistant Secretary	(1)
President	(1)
Vice-President	(1)
Treasurer	(1)

[2] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER

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Copy of Prescribed Information

Title of Matter: Application/Notification by Industrial Staff Union - PSA of NSW
Section: s.189(1) RO Act - Notification of elections for office
Subject:
Matter Number(s): E2016/113

Attn: Electoral Officer

A copy of the Prescribed Information in relation to the above matter is attached for your information.

The election decision will be forwarded to your office in due course.

Inquiries:

Any inquiries relating to this are to be directed to: orgs@fwc.gov.au.

24 MARCH 2016

PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009

I, Blake Stephens, being the Secretary of the Industrial Staff Union, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Industrial Staff Union.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. This statement **IS** lodged at least 2 months before nominations open for the election below.
5. The reason for the election is that the term of the office for each of the positions is due to expire in the normal course of events.
6. The election has been called by a meeting of the Management Committee held on 23 March 2016 in accordance with Rule 14. 2).



Signed: Blake Stephens

Dated: 23 / 03 / 2016

[PLEASE NOTE: This statement should be lodged with the Fair Work Commission at least 2 months prior to nominations opening. It can be submitted to orgs@fwc.gov.au.]

ANNEXURE A

- Elections that are required:

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
			<i>Direct voting system; Collegiate electoral system</i>	<i>Scheduled; Casual vacancy; New office created; Insufficient nominations.</i>	
N/A	Secretary (rule 13)	1	DVS (rule 14.2)	Scheduled (rule 14.2)	All members of the ISU (rule 14.2)
N/A	Assistant Secretary (rule 13)	1	DVS (rule 14.2)	Scheduled (rule 14.2)	All members of the ISU (rule 14.2)
N/A	President (rule 13)	1	DVS (rule 14.2)	Scheduled (rule 14.2)	All members of the ISU (rule 14.2)
N/A	Vice President (rule 13)	1	DVS (rule 14.2)	Scheduled (rule 14.2)	All members of the ISU (rule 14.2)
N/A	Treasurer (rule 13)	1	DVS (rule 14.2)	Scheduled (rule 14.2)	All members of the ISU (rule 14.2)

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	24 May 2016 (rule 14.2)	N/A
Nominations CLOSE	14 days after nominations open (N/A)	N/A
Roll of Voters cut off date	10 May 2016 (rule 14.2)	N/A

Please note: that for insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as *'to be determined by the returning officer'*. Casual vacancies must be accompanied by proof of resignation and attached to this statement.