



13 September 2018

Mr Nick Player
President
Industrial Staff Union - PSA of NSW
NPlayer@psa.asn.au

Dear Mr Player

Organisation must respond to the post-election report of the Australian Electoral Commission: E2018/59

On 4/09/2018 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2018/59 dated 4/09/2018. 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 that the rules do not state the method of determining the order of candidates on the ballot paper in the event the election is contested. 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 ROC 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 ROC for assistance by email to regorgs@roc.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 ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

Christine Hibberd

Registered Organisations Commission

4/09/2018

Post-election Report

Industrial Staff Union- PSA of NSW- E2018/59



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Election(s) Covered in this Report

Election Decision No/s: E2018/59

Rules

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

Rules difficult to apply/interpret: The rules do not state the method of determining the order of candidates on the ballot paper in the event the election is contested ballot.
This issue was also raised in the post-election report related to election reference number E2016/113. It is recommended that this issue be resolved.

Model Rule reference (if any) None

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: None

Other Matters

None

Attachments

- 1) Declaration of results for Uncontested Offices

Ishtiaq Ahmed
Returning Officer

4 September 2018

Industrial Staff Union - PSA of NSW
DECLARATION OF RESULTS - E2018/59
Uncontested Offices

Scheduled Election

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 are:

Industrial Staff Union - PSA of NSW

Secretary (1)

Candidate/s
MITCHELL Jennifer Leigh

President (1)

Candidate/s
PLAYER Nicholas

Treasurer (1)

Candidate/s
HARRIS Roland

Assistant Secretary (1)

Candidate/s
MACKINTOSH Michelle

Vice President (1)

Candidate/s
DANGERFIELD Phoebe

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.



Ishtiaq Ahmed
Returning Officer
Australian Electoral Commission
24/05/2018



DECISION

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

Industrial Staff Union - PSA of NSW
(E2018/59)

MR ENRIGHT

MELBOURNE, 3 APRIL 2018

Arrangement for conduct of election.

[1] On 15 March 2018 the Industrial Staff Union - PSA of NSW lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Secretary
President
Treasurer
Assistant Secretary
Vice President

[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 COMMISSIONER

Printed by authority of the Commonwealth Government Printer

<PR351027>

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, Nicholas Player being the Secretary of the Industrial Staff Union – PSA of NSW, make the following statement:

1. I am authorised to sign this statement containing prescribed information for Industrial Staff Union – PSA of NSW.
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 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 12 march 2018.



Signed: Nicholas Player

Secretary

Dated: 15/3/18

[PLEASE NOTE: This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@roc.gov.au.]

ANNEXURE A

- Elections that are required [insert as many pages as required]:

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
N/A	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	Treasurer (rule 13)		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	Vice President (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	21 May 2018 (rule 14.2)	N/A
Nominations CLOSE	14 days after nominations open	N/A
Roll of Voters cut off date	7 May 2018 (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.