[090V-NSWS: Incorporates alterations of 24 February 2020] [R2019/154]

replaces rulebook dated 24 July 2019

**CPSU, the Community and Public Sector Union; Chapter C - SPSF Group, New South Wales Branch**

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 9 both inclusive contain a true and correct copy of the registered rules of the CPSU, the Community and Public Sector Union; Chapter C - SPSF Group New South Wales Branch

DELEGATE OF THE GENERAL MANAGER

FAIR WORK COMMISSION

Rules of the CPSU, the Community and Public Sector Union

Chapter C - SPSF Group, New South Wales Branch

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## RULES OF THE CPSU, SPSF GROUP NSW BRANCH

## 1 - NAME

The name of the Branch shall be the CPSU, the Community and Public Sector Union SPSF Group, New South Wales Branch, in these Rules called "the Branch".

## 2 - REGISTERED OFFICE

The office of the Branch shall be 160 Clarence Street, Sydney or such other address as the Branch Council shall from time to time resolve. The records of the Branch shall be kept at the Branch or at another location permitted by the Fair Work Commission under s234 of the Fair Work (Registered Organisations) Act 2009.

## 3 - INTERPRETATION

**3.1** Unless the context otherwise requires:

**(a)** Act means the Fair Work (Registered Organisations) Act 2009, as amended;

**(b)** Regulations mean the Regulations made under the Act;

**(c)** the singular includes the plural and vice versa;

**(d)** the masculine includes the feminine and vice versa.

**3.2** These Rules shall be read subject to the provisions of the Act and the Regulations such that:

**(a)** unless the context otherwise requires every rule or part thereof shall be read as limited by the provisions of the Act and Regulations; and

**(b)** any rule or part thereof which cannot be so read shall be deemed to be severable from the balance of the rule or rules.

**3.3** **Associated Body** means The Public Service Association and Professional Officers Association Amalgamated Union of New South Wales (the PSA).

**3.4** Where any of these Rules confer a duty the rule or rules concerned shall also be interpreted as conferring a power to perform the duty upon the officer, person or body specified as having that duty.

**3.5** **Higher Education member** means a member employed:

**(a)** in or by a University, College of Advanced Education or

**(b)** a Department of Technical and Further Education or

**(c)** a College or Institute of Technical and Further Education or

**(d)** in or by any department, or part of a department or by any employer which a resolution of the Branch Council declared to be a Higher Education Body.

**3.6** **Health Services member** means a member employed:

**(a)** in or by a public hospital, private hospital or

**(b)** other private health service, nursing home, public dental clinic, area health service or

**(c)** community health service or

**(d)** facility providing ancillary patient services as determined by Branch Council or

**(e)** in or by any department, or part of a department or by any employer which a resolution of the Branch Council declares to be a Health Services Body.

**3.7** **School Education** **member** means a member employed:

**(a)** in the Department of School Education or

**(b)** by the Director-General of School Education or

**(c)** in or by any department, or part of a department or by any employer which a resolution of the Branch Council declares to be a School Education Body.

**3.8** Unless otherwise expressly indicated reference in these Rules to a Branch Councillor shall include both Branch Officers and Delegates to Branch Council.

**3.9** **CPSU** and/or **the Union** means **CPSU, the Community and Public Sector Union**.

**3.10** **the Group** means the CPSU SPSF Group.

**3.11** **the Federal Rules** **means** the rules of the Group as contained in Chapters A or C of the rules of CPSU and as amended.

## 4 - ADMISSION TO MEMBERSHIP

The date of admission to membership of the Union and the Branch pursuant to Rule 54 of Chapter C of the Federal rules shall be the date of receipt of the member's application at the office of the Branch.

## 5 - CONSTITUTION OF BRANCH COUNCIL

**5.1 Composition**

Branch Council shall consist of:

**(a)** the Branch Officers; and

**(b)** 10 Delegates to the Branch Council.

**5.2** **Reserved positions**

**(a) Sectors**

Delegates to Branch Council shall comprise a number of positions of Delegates reserved for members who work in:

(i) Higher Education,

(ii) School Education, and

(iii) Health.

**(b)** Each of the numbers of reserved positions in **Rule 5.2(a)** shall be calculated by multiplying twice the number of financial members in the class concerned by the number of Delegates of the Branch Council and dividing the result by three times the number of financial members in the Branch.

**(c) Women and men**

A number of positions of Delegate to Branch Council shall be reserved for women and a number reserved for men.

**(d)** Each of the numbers of reserved positions in **Rule 5.2(c)** shall be calculated by multiplying twice the number of financial members who are women or men, as the case may be, by the number of Delegates to the Branch Council and dividing the result by three times the number of financial members in the Branch.

**(e)** **Method of calculation**

**(i)** In any of the above calculations any fractional remainder shall be disregarded. If the result of the calculation is zero then the number of reserved positions shall be one.

**(ii)** If in any election the number of members nominated from any of the classes for which a position is reserved is less than its number of reserved positions then for the purpose of that election the number of reserved positions shall be equal to the number of members nominated from the class.

**5.3** **Financial members**

**(a)** In this rule a reference to "**financial members**" is a reference to financial members as at 31st December in the year preceding an election.

**(b)** **Rule 7.1(d) of Chapter C** of the Federal Rules applies to financial membership of the branch for determination of reserved positions.

**5.4 Quorum**

At every meeting of the Branch Council the quorum necessary for the transaction of any business of the Branch Council shall be eight.

## 6 - BRANCH OFFICERS

The Branch Officers shall be the Branch Executive and shall comprise:

**6.1** Branch President;

**6.2** three Branch Vice Presidents;

**6.3** Branch Secretary; and

**6.4** Branch Assistant Secretary.

## 7 - QUORUM OF BRANCH EXECUTIVE

At every meeting of the Branch Executive the quorum necessary for the transaction of the business of the Branch Executive shall be four.

## 8 - BRANCH FUND

**8.1** Branch Council or Branch Executive may by resolution from time to time authorise the disbursement of moneys standing to the credit of the Branch Fund for the achievement of the objects of the Branch and for its administration.

**8.2** Subject to Rule 8.3 any two members of the Branch Executive may sign cheques or authorise payment by a system of funds transfer on behalf of the Branch provided that the Branch Secretary, or in their absence, a Branch Assistant Secretary shall always be one signatory of any such payment.

**8.3** For the purposes of the general administration of the Branch, including payment of salaries, honoraria, remittance of monies due to the Federal Fund, travelling expenses, payroll deductions, Federal and State taxes, rates, rent, interest on loans, accounts for stationery, printing, hire of premises for meetings, legal costs and disbursements, transcript, telephone and postal services and expenses of like kind reasonably incidental to the general administration of the Branch, the prior authority of Branch Council or Branch Executive shall not be necessary before such cheques are signed or accounts paid.

## 9 - BRANCH EXECUTIVE AND BRANCH COUNCIL – OUT OF SESSION DECISIONS[[1]](#footnote-1)

Any decision required to be made by Branch Executive or Branch Council may be made in accordance with **Rule 7.4 of Chapter C** of the Federal Rules.

## 10 - GENERAL AND SPECIAL MEETINGS

**10.1** The Branch Council or Branch Executive may convene General Meetings of members of the Branch by resolution specifying the motions to be considered and the date of the meetings.

**10.2** Not less than five percent of members of the Branch may by signing a requisition or requisitions in common form, require that special meetings of members of the Branch be held to consider motions specified in the requisition or requisitions.

**(a)** Such special meetings shall be so convened as to be held within twenty-eight days of the date when the requisitions are received by the Branch President or other Branch Officer.

**(b)** The decision of such special meetings shall, subject to these rules, be performed or observed by Branch Council and Branch Executive.

**10.3** When General or Special Meetings are to be held pursuant to **Rule 10.1 or 10.2** , meetings shall be held in Sydney, and in such other places as the Branch Council or Branch Executive determines.

**10.4** At least seven days notice of the meetings shall be given by advertisement in at least one Sydney metropolitan daily newspaper and at least one local newspaper, or the metropolitan daily newspaper, circulating in each town in which a meeting is to be held, and by circular to local representatives and assistant local representatives, specifying the date, time and place of the meeting and the terms of the motions to be considered.

**10.5** Meetings shall be chaired by the Branch President or a delegate of the President. The Chairperson of each meeting shall bring to the attention of the meeting any reports provided by the Branch Executive or the Branch Secretary.

**10.6** Each motion shall be put to each meeting in the form notified without amendment. Each vote shall be taken by a count and the numbers of members voting for an against each motion shall be recorded.

**10.7** At the conclusion of each meeting, the Chairperson shall notify the Branch Secretary of the numbers of members recorded as voting for and against each motion. The numbers shall be tallied by the Branch Secretary and the total vote so arrived at shall determine each motion, provided that no resolution shall be carried in this manner unless at least five percent of the financial members of the branch have attended and voted.

**10.8** Each motion and recommendation to be considered by meetings held under this rule shall specifically define any action to be taken by the Branch or its members if the motion is adopted.

## 11 - INDUSTRY AND ADVISORY BODIES

**11.1** The Branch Council or the Branch Executive may establish an Industry or Advisory Body for any class or group of members.

**11.2** The functions of each Industry and Advisory Body shall be to enquire into, consider and report to and advise the Branch upon matters of concern to the particular class or group of members, and to exercise such other functions as may be delegated to it by the Branch Council, or the Branch Executive. No such Body shall exercise any functions of management required by the Act to be performed by a body comprising person holding offices in the Group.

**11.3** Industry and Advisory Bodies shall be subject to decisions of the Branch Council, Branch Executive and General Meetings and shall comply with any directions given to them by the Branch Executive or Branch Council.

**11.4** The Branch Council may make by-laws not inconsistent with these Rules to regulate the constitution, powers, duration, terms of appointment, business, meetings and conferences of Industry and Advisory Bodies either generally or in any particular case. Subject to any such by-laws the Branch Executive may give such directions as it thinks expedient to provide for the management of Industry and Advisory Bodies.

**11.5** Where any general committee is established in an Industry or Advisory Body the Branch Council or Branch Executive shall make such provisions as are appropriate, having regard to the composition of the Body, to ensure reasonable representation of both women and men on the committee, and shall take as a general guide the provisions regarding reserved positions on the Branch Council.

**11.6** Each such Body shall exercise the functions of any Advisory Body under this rule. Their constitution, powers, duration, terms of appointment, business, meetings and conferences shall continue to operate in the manner provided in any rules or by-laws of or applying to the body concerned until Branch Council or the Branch Executive makes alternative provisions.

## 12 - LOCAL REPRESENTATIVES

**12.1** The Branch Executive may appoint local representatives in particular defined localities whose duties in respect of that locality shall be:

**(a)** At the request of the Branch Council or Branch Executive to inform members employed in the locality of the activities of the Union.

**(b)** To inform the Branch Council and Branch Executive through the Branch Secretary of matters affecting the industrial interests and welfare of members employed in the locality; and

**(c)** As required by the Branch Council or Branch Executive or under these Rules to arrange in the locality meetings of members employed in the locality or other meetings of members.

**12.2** The Branch Executive may appoint deputy local representatives to assist local representatives in the performance of their duties and to act in their place in their absence.

**12.3** The Branch Executive may appoint assistant local representatives to assist local representatives in the performance of their duties in respect of particular defined areas within their locality.

**12.4** The Branch Executive may appoint persons to act as local representative, deputy or assistant local representative where there is a temporary vacancy in such position or the person appointed is temporarily unable to perform his or her duties.

**12.5** A city, town or other place shall be designated by the Branch Executive for each locality and each area within a locality for which a local representative or assistant local representative is appointed as the headquarters of the local representative or assistant local representative.

**12.6** Any appointment of local representative, deputy local representative or assistant local representative shall have effect until:

**(a)** the appointee dies or resigns the appointment by notice in writing to the Branch Secretary; or

**(b)** the Branch Executive appoints another person in place of the appointee; or

**(c)** the Branch Executive varies or abolishes the definition of the locality or area.

**12.7** No local representative, deputy local representative or assistant local representative shall exercise any functions of management required by the Act to be performed by persons holding offices in the Union.

## 13 - BRANCH ASSOCIATES

**13.1** **Rule 56.1 of Chapter C** of the Federal Rules deals with who is eligible to be a Branch Associate including:

**(a)** retired persons who prior to retirement were members of the Branch; or

**(b)** widows or widowers of persons who prior to retirement or death were members or Associates of the Branch; or

**(c)** trainee or cadet officers.

**13.2** In addition, the following persons shall be entitled to be admitted as Associates of the Branch if not otherwise eligible for membership of the Group:

**(a)** persons not otherwise eligible to be enrolled as an Associate who were, prior to their retirement, financial members of an association or Union affiliated with the Combined Public Service Unions; or

**(b)** students attending any recognised university or other tertiary institution and engaged in a course of study which would, upon its successful completion, render the student suitable for employment in any of the professions, callings or avocations followed by members of the Group; or

**(c)** person eligible to be an Associate of an Associated Body.

**13.3** **Rule 56.2** of Chapter C of the Federal Rules provides power to the Branch Council in relation to Branch Associates including the power to:

**(a)** fix and collect enrolment fees and subscriptions for Associates;

**(b)** determine the conditions under which a person shall cease to be an Associate; and

**(c)** organise groups and committees of Associates, and provide administrative and financial support for their activities.

**13.4** In addition, the Branch Council shall have power to:

**(a)** provide for the participation of Associates in Provident or welfare Funds or other activities of or supported by the Branch;

**(b)** provide for the participation in activities of Associates (including groups or committees) of financial members of the Branch who are also persons of one of the kind described in the preceding paragraphs; and

**(c)** provide for the participation of the Retired Associates Body in the activities of other retiree groups and for affiliation with appropriate Councils and organisations which seek to promote the welfare of pensioners, superannuants and senior citizens.

**13.5** Enrolment as an Associate shall not entitle a person to any of the rights of membership.

## 14 - ELECTION OF BRANCH OFFICERS AND DELEGATES TO BRANCH COUNCIL[[2]](#footnote-2)

Election of Branch Officers and Delegates to Branch Council will be in accordance with Part 3 of Chapter C of the Federal Rules.

**14.1** Branch Secretary

**(a)** The Branch will elect a Branch Secretary in a ballot of all financial members.

**(b) Rule 20.2 of Chapter C** of the Federal Rules sets who is eligible to nominate and includes:

**(i)** All financial members of the Branch;

**(ii)**  General Secretary, Assistant General Secretary and the elected members of the Executive of the PSA;

**(iii)** employees of the NSW Branch of the Group; and

**(iv)** employees of the PSA.

**14.2** Branch Assistant Secretary

**(a)** The Branch will elect a Branch Assistant Secretary in a ballot of all financial members.

**(b) Rule 20.3 of Chapter C** of the Federal Rules sets out who is eligible to nominate and includes:

**(i)**  all financial members of the Branch;

**(ii)** the General Secretary, Assistant General Secretary and the elected members of the Executive of the PSA;

**(iii)** employees of the NSW Branch of the Group; and

**(iv)** employees of the PSA.

**14.3** Branch President

**(a)** The Branch shall elect a Branch President by the financial membership of the Branch.

**(b) Rule 20.6 of Chapter C** of the Federal Rules sets out who is eligible to nominate for Branch Vice President. This includes:

**(i)** all financial members of the Branch; and

**(ii)** the General Secretary, Assistant General Secretary and the elected members of the Executive of the PSA.

**14.4** Branch Vice Presidents

**(a)** The Branch shall elect three Branch Vice President by the financial membership of the **Branch**.

**(b) Rule 20.7** of Chapter C of the Federal Rules sets out who is eligible to nominate for Branch Vice President. This includes:

**(i)** all financial members of the Branch; and

**(ii)** the General Secretary, Assistant General Secretary and the elected members of the Executive of the PSA.

**14.5** Branch Council

**(a)** The Branch shall elect 10 Delegates to Branch Council.

**(b) Rule 20.5** **of Chapter C** of the Federal Rules sets out who is eligible to nominate for Branch Council:

**(i)** all financial members of the Branch; and

**(ii)** the General Secretary, Assistant General Secretaries and the elected members of the Executive of the PSA.

**14.6 Nominations**

Nominations must comply with **Part 3 of Chapter C** of the Federal Rules.

## 15 - SENIORITY OF VICE-PRESIDENTS

**15.1** Where there has been a ballot conducted for the election of persons to the offices of Vice-President the order of seniority of the Vice-Presidents shall be the order of their election.

**15.2** Where no ballot was required the order of seniority of the Vice-Presidents shall be fixed by agreement between the Vice-Presidents, advised in writing to the President or the chair of a Branch Council Meeting.

**15.3** If no agreement has been received by the time the first meeting of the Branch Council after the election is due to close the Branch Council may determine the order.

**15.4** If an election is declared between Branch Council Meetings and no agreement is advised to the President within one month of its completion the Branch Council may determine the order by postal ballot.

**15.5** The most senior Vice-President shall be known as the Senior Vice-President.

## 16 - ELECTION OF DELEGATES TO FEDERAL COUNCIL

The Delegates to Federal Council are elected by the Branch pursuant to Part 3 of Chapter C of the Federal rules.

## 17 – TRANSITION RULE UP TO THE 2020 ELECTION

**17.1** This rule book replaces the 14 October 2005 rules made in R2005/304 and the 21 July 2019 rules made in R2019/48.

**17.2** The amendments to the 2005 rules are designed;

**(a)** to abolish the NSW Sub-Branch No 1. and all sub-branch offices.

**(b)** to bring consistency between the number of Assistant Secretary positions in the Branch and the PSA by removing one Assistant Branch Secretary position from the Branch.

**17.3** **Preservation of all offices**

**(a)** Sub branch officials remain in office until the 2020 Branch election is declared unless they resign or are removed from office in accordance with the Federal Rules. The offices are:

**(i)** Sub Branch Federal Council delegate

**(ii)** Sub Branch Assistant Secretary

(**iii**) Three Sub branch councillors

**(b)** Branch Assistant Secretaries remain in office until the 2020 Branch election is declared unless they resign or are removed from office in accordance with the Federal Rules.

**17.4** The amendments to the 2019 rules are minor. They are required to clarify how reserved positions are calculated and to ensure consistency to the formatting, pattern and structure of the rules.

\*\*\*END OF RULES\*\*\*

1. See chapter C sets out range of out of session options [↑](#footnote-ref-1)
2. Chapter C Part 3 applies to elections. It sets out who can nominate. [↑](#footnote-ref-2)