



TO: CPSU SPSF Group WA Branch Council
CSA Council

FROM: Rikki Hendon
CPSU SPSF Group Branch Secretary
CSA General Secretary

DATE: 2 March 2023

SUBJECT: Rule Changes – Proxy Councillors/ Proxy Branch Councillors

ITEM: 5.1

PROPOSED ACTION:

1. *That the CPSU SPSF Group WA Branch Council adopts all changes to the Rules of the CPSU-SPSF-Western Australian Branch detailed in the document at Attachment A.*
2. *That the CSA Council adopts all changes to the Rules of the Civil Service Association of W.A. (Inc) detailed in the document at Attachment B.*

BACKGROUND:

In August 2022, the Branch/ General Secretary a tabled proposed rule changes relating to Proxy Branch Councillors and Proxy Voting, with the intent that they be considered by and adopted at the September 2022 meeting of the CPSU SPSF Group WA Branch Council and CSA Council.

On 19 September 2022, a member of the Council identified numbering and cross-referencing issues, as well as some minor typos, that would need to be addressed prior the adoption of the amended sets of Rules. The matter therefore did not progress as planned.

Updated versions of both sets of amended Rules were tabled for consideration of the Council on 22 February 2023. Further issues were identified and additional changes were discussed.

New versions of the draft amended *Rules of the CPSU-SPSF-Western Australian Branch* and the *Rules of the Civil Service Association of W.A. (Inc)* addressing the issues raised at the 22 February 2023 meeting are now attached to this report.

Rationale for proposed changes: Proxy Councillor/ Proxy Branch Councillor

The Rules of the Civil Service Association of W.A. (Inc) and the Rules of the CPSU-SPSF-Western Australian Branch both provide for each Council/ Branch Council Electorate to be represented by one Councillor/ Branch Councillor and one Proxy Councillor/ Proxy Branch Councillor for each 500

financial members or part thereof allocated to the Electorate as at 31st December in the year preceding an election. The way both sets of Rules are constructed renders Proxy Councillor a distinct office that must be filled through the same electoral processes as other members of Council/ Branch Council.

Ours is the only Branch of the CPSU SPSF Group that has the elected office of Proxy Branch Councillor. Being an anomaly is not in and of itself a problem; however, it means we effectively have double the number of elected offices to fill than if we had the same rules as other Branches. Further, attracting nominations for office of Proxy Councillor positions is an ongoing challenge. To illustrate this point:

- Nominations were received for only 12% of the available Proxy Branch Councillor offices at our 2021 Stage 1 Branch Elections, compared with 56% of available Branch Councillor positions.
- At the declaration of the 2016 Stage 1 Branch Elections, 20% of Proxy Branch Councillor offices were occupied, compared with 65% of Branch Councillor offices.
- At an election held in 2014 to fill casual vacancies, nominations were received for only 11% of the available Proxy Branch Councillor offices, resulting in a total of 23% of Proxy Branch Councillor offices being filled at the conclusion of the process. By comparison, the same process attracted nominations for 33% of the available Branch Councillor offices and resulted in a total of 70% of Branch Councillor offices being occupied

The resultant ongoing high rates of vacancy in elected offices are suboptimal.

Summary of changes

Last year I sought the assistance of the CPSU SPSF Group's Senior Legal Officer, Mark Perica, to address the anomaly and draft rule changes to:

Proposed change	<i>Rules of the CPSU-SPSF- Western Australian Branch</i>	<i>Rules of the Civil Service Association of W.A. (Inc)</i>
Remove all references to Proxy Councillors or Proxy Branch Councillors from the respective rules (effectively removing it as an elected office)	<ul style="list-style-type: none"> • References deleted from: 9.1; 9.2; 9.4 • Subrule 9.3 deleted and renumbered. • Reference remains in 14.1* 	<ul style="list-style-type: none"> • References deleted from: 12(b)(i); 12(b)(ii); 23 (a)(1) • Subrule 12(b)(iii) deleted and renumbered • Reference remains in 18(b)(1)*
<p><i>*These references remain because the Proxy Councillors/ Proxy Branch Councillors are ex-officio members of the EDC in their own right, not just in the absence of a Councillor. A further rule change to delete can be actioned following the expiration of the current elected term.</i></p>		

Insert new proxy rules to effectively operate in a manner reflective of the corresponding provisions in the CPSU SPSF Chapter C Rules. This will enable a member of Council/ Branch Council who is unable to attend all or part of a meeting to appoint a financial member of the Union as a proxy.	<ul style="list-style-type: none"> New rule “10 - Proxy Voting on Branch Council” inserted which makes simple reference to the Chapter C Rules. 	<ul style="list-style-type: none"> New standalone clause inserted in the CSA Rules: “13 – Proxy Voting on the Council”
Insert a transition rule in the CSA and WA Branch rules that enables the Proxy Councillors/ Proxy Branch Councillors who were elected in 2021 to retain their office until the expiration of their current term.	<ul style="list-style-type: none"> New Rule 37 – Proxy Branch Councillor Transition Rule 	<ul style="list-style-type: none"> New Rule 32 - Proxy Councillor Transition Rule

In addition to these substantive changes, I have:

Proposed change	<i>Rules of the CPSU-SPSF-Western Australian Branch</i>	<i>Rules of the Civil Service Association of W.A. (Inc)</i>
Amended the contents, clause numbering and cross-referencing throughout to accommodate the proxy changes.	<ul style="list-style-type: none"> Contents adjusted to reflect new clauses 10 and 37, related clause renumbering and page renumbering. Clauses renumbered from 10 onwards. Cross referencing within clauses adjusted to reflect renumbering throughout. 	<ul style="list-style-type: none"> Contents adjusted to reflect new clauses 13 and 32, related clause renumbering and page renumbering. Clauses renumbered from 13 onwards. Cross referencing within clauses adjusted to reflect renumbering throughout.
Corrected identified numbering/ cross referencing errors and content issues unrelated to the proxy changes	<p>Old transition rules:</p> <ul style="list-style-type: none"> Delete old 33.7 and 36 Remove reference at 34.6 	<p>Old transition rules:</p> <ul style="list-style-type: none"> Delete old 17 (i) <p>Numbering</p> <ul style="list-style-type: none"> Correction of error within 14 (two subrule “c”), related numbering and cross-referencing within. <p>Cross referencing</p> <ul style="list-style-type: none"> Correction of errors within 23.
Minor typographical, grammatical and formatting errors have been corrected.	Several throughout	Several throughout

Copies of the both sets of rules with proposed amendments are attached with mark-up visible.

Process for effecting Rule Changes

For the proposed Rule changes to be adopted by the Council/ Branch Council they must be:

- Advertised on the Union's website, or by other means made accessible to the membership, at least 21 days prior to the meeting.
- Posted or emailed to each Council/ Branch Council member at least 21 days prior to the meeting; and
- Passed by a two thirds majority of members in attendance and voting.

PREPARED BY: Rikki Hendon, Branch/ General Secretary

ATTACHMENTS:

- A)** Rules of the CPSU-SPSF-Western Australian Branch with draft amendments (Version 1 March 2023)
- B)** Rules of the Civil Service Association of Western Australia (Inc) with draft amendments (Version 1 March 2023)

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