

Our Ref: ND:PK:JG:22/114155
Email: returningofficer@newlaw.com.au

15 December 2022

Mr Mark Bielecki
Registered Organisations Commissioner
Registered Organisations Commission
GPO Box 2983
MELBOURNE VIC 3001

NEW Law Pty Ltd
ABN 51 148 002 368
50 O'Dea Avenue
Waterloo NSW 2017
t (02) 8595 1295
f (02) 9662 1202
e reception@newlaw.com.au
www.newlaw.com.au

ALSO BY EMAIL: regorgs@roc.gov.au

Dear Mr Bielecki

**RE: AUSTRALIAN NURSING AND MIDWIFERY FEDERATION – NEW
SOUTH WALES BRANCH COLLEGIATE ELECTION
POSITIONS OF PRESIDENT (1), VICE-PRESIDENT (1) AND
EXECUTIVE MEMBERS (6)**

Further to the exemption granted by the Registered Organisations Commission in relation to collegiate elections for the above positions in [2018] ROCD 157, I conducted the above elections on 6 December 2022.

Register of Members

There are no issues to report as per the requirements of section 197(3).

Difficult Rules

There were no rules which were difficult to interpret or apply in the conduct of the election.

At the close of nominations on 6 December, I received the requisite number of nominations only and was able to declare the following persons elected unopposed:

President
O'Bray Smith

Vice-President
Lorna Scott

Office in Newcastle and Visiting Offices in Regional Locations

Liability limited by a scheme approved under Professional Standards Legislation
Legal practitioners employed by NEW Law are members of the scheme

Branch Executive

Michelle Cashman
Elizabeth McCall
Sue White
Kerry Rodgers
Edward Makepeace
Jill Telfer

Should you require any further information, do not hesitate to contact me

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peta Kava', with a stylized, cursive script.

Peta Kava

Special Counsel
and Returning Officer for the ANMF, NSW Branch

cc: Shaye Candish
Secretary
ANMF, NSW Branch
By Email: scandish@nswnma.asn.au



Australian Government
Registered Organisations Commission

28 November 2022

Brett Holmes
Branch Secretary
Australian Nursing And Midwifery Federation - New South Wales Branch
Sent via email: gensec@nswnma.asn.au



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2022/125

Dear Brett Holmes,

An election has recently been completed by the Australian Electoral Commission (**AEC**) for the Australian Nursing And Midwifery Federation - New South Wales Branch.

This letter explains the next steps you must take and what information you need to lodge with the Registered Organisations Commission (**ROC**).

What you must do right now

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to regorgs@roc.gov.au

This letter explains these steps and the tools available to help you.

STEP 1: Notify members

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (r. 141). The notice must be on your website for at least 3 months.



Can I put more information on our website?

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than 3 months. You can always do more than the regulatory minimum.

The ROC will also publish your declaration of results on our [website](https://www.roc.gov.au).

STEP 2: Financial training

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete financial training (s 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

There are face to face and online [financial training packages on the ROC website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the ROC](#) **within 6 months** of beginning to hold office.



Good governance tip:

Organisations should instruct officer holders about their other obligations. This is especially important for committee of management members.

Our podcast covers the [benefits of officer induction](#). Officers have responsibilities under the rules, the RO Act, and disclosure requirements around conflicts of interest, remuneration and material personal interests. Officers will benefit from our [officer induction kit](#) and our [podcast, such as episode 17 - conflicts of interest](#).

STEP 3: Notifications of change

A notification of change must be lodged with the ROC within **35 days** of the change occurring.



We have a [template](#) to help you with this, which you can send to regorgs@roc.gov.au. An officer must sign the completed notification template.

You must lodge a notification of change if:

- any of your officers have not been re-elected;
- officers have changed offices; or
- you have new officers.

Only notify us of changes that have **already occurred**. If people take up office in the future, you must wait until the change happens before lodging the notification within 35 days of the change.

Note: One election may result in many notifications of change.



Penalties apply

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

ROC v CEPU

The organisation failed to make a series of notifications of change on time.

The Full Court said 'The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.'

The organisation was ordered to pay a penalty. More information is available in our [case summary](#).

Questions?



Why do I need to tell you the results of the election when you've already received them?

The RO Act requires that **you** tell us this information about your officers – it is a legal obligation. The notification of change also contains information that is not in the declaration of results.

What if the officer has already done training?

Check out our [fact sheet](#) for when officers need to redo training, when they can get an exemption and when further training isn't required.

If you have any queries we can be contacted on 1300 341 665 or by email at regorgs@roc.gov.au.

Yours sincerely

Registered Organisations Commission



The ROC has a [Compliance Policy](#) which explains how we respond to issues of non-compliance. The policy is available on our website if you would like further information on the steps the compliance team may take in response to non-lodgement of a financial report.

30 November 2022

Post-election report

**Australian Nursing and Midwifery
Federation**

New South Wales Branch

Scheduled election

E2022/125

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Election(s) Covered in this Report

Organisation: ANMF - New South Wales Branch

Election: Scheduled

Election Decision No/s: E2022/125

Rules

Rules used for the election: 145V: Incorporates alterations of 29 November 2021 [R2021/160]

(replaces rulebook dated 4 June 2021 [R2021/14])

Rules difficult to apply/interpret: N/A

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Other Matters

Returning Officer actions required (Section 193): No

Signed

Catherine Budrodeen
Returning Officer
Australian Electoral Commission
E: IEBevents@aec.gov.au
P: 03 9285 7111
30 November 2022

Attachments

A. Declaration of results for Uncontested Offices

B. Declaration of Results for Contested Offices

Australian Nursing and Midwifery Federation
New South Wales Branch
DECLARATION OF RESULTS - E2022/125
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:

Branch Secretary (1)

Candidates

CANDISH Shaye

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

Catherine Budrodeen
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
28/11/2022



Australian Nursing and Midwifery Federation
New South Wales Branch
DECLARATION OF RESULTS - E2022/125
Contested 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:

NSW Branch Council

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	73836
Number of voters issued with voting material	73836
Total number of voters issued with replacement voting material	27
Total number of voting material packs issued	73863
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	7652
Number of declaration envelopes rejected at preliminary scrutiny (minus)	90
Number of ballot papers returned outside declaration envelopes (minus)	142
COUNT	
Total ballot papers admitted to the count	7378
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	1403
Voting material packs not returned by voters by closing date of the ballot	65452
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	10.3%

Branch Assistant Secretary (1)

<u>Candidates</u>	<u>Final Votes</u>
MARX, John-Paul	2,627
WHAITES, Michael	4,654

Total ballot papers admitted for this office	7,378
Formal Ballot papers	7,281
Informal Ballot papers	97

I declare the following elected:

- WHAITES, Michael

Branch Councillors (21)

<u>Candidates</u>	<u>Final Votes</u>
CASHMAN, Michelle	5,040
BROWN, Robyne	4,806
HAINES, Paul	4,974
BESILOS, Wing	4,534
NOORT, Richard	4,691
LANG, Di	4,983
SCOTT, Lorna	4,998
HOPPER, Lyn	4,552
STRAUB, Michelle	4,875
MCCALL, Liz	4,741
GOODMAN, Kate	4,921
LE, Thuy-An	2,775
RODGERS, Kerry	4,853
TELFER, Jill	4,907
PENDRICK, Meg	4,725
GUPTA, Amit	2,435
WHITE, Sue	4,800
GEDGE, Emma	4,838
ROMER, Skye	5,019
HOFMAN, Jocelyn	4,795
MAKEPEACE, Edward	4,519
SMITH, O'Bray	4,804
WILSON, Kristy	4,988

Total ballot papers admitted for this office	7,378
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Formal Ballot papers	7,161
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Informal Ballot papers	217
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I declare the following elected:

- ROMER, Skye
- HOFMAN, Jocelyn
- BROWN, Robyne
- RODGERS, Kerry
- GOODMAN, Kate
- MCCALL, Liz
- WHITE, Sue
- SCOTT, Lorna
- BESILOS, Wing
- LANG, Di
- MAKEPEACE, Edward
- TELFER, Jill
- WILSON, Kristy
- PENDRICK, Meg
- STRAUB, Michelle
- NOORT, Richard

- SMITH, O'Bray
- CASHMAN, Michelle
- HAINES, Paul
- GEDGE, Emma
- HOPPER, Lyn

Catherine Budrodeen
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
26/11/2022





DECISION

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

Australian Nursing and Midwifery Federation
(E2022/125)

MS GUINA

MELBOURNE, 6 JULY 2022

Arrangement for conduct of election.

[1] On 21 June 2022 the New South Wales Branch of the Australian Nursing and Midwifery Federation (**the Branch**) lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Branch Secretary	(1)
Branch Assistant Secretary	(1)
Branch Councillors	(21)

[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 (**the AEC**).



DELEGATE OF THE COMMISSIONER

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NEW SOUTH WALES NURSES AND MIDWIVES' ASSOCIATION
AUSTRALIAN NURSING AND MIDWIFERY FEDERATION NEW SOUTH WALES BRANCH



SC:WW
Ref: EF/05/0291
21 June 2022

Mark Bielecki
Registered Organisations Commissioner
Registered Organisation Commission
GPO Box 2983
Melbourne VIC 3001

Via email: regorgs@roc.gov.au

Dear Commissioner,

I, Shaye Candish, being the Acting Branch Secretary for the Australian Nursing and Midwifery Federation New South Wales Branch (ANMF NSW), make the following statement:

I am authorised to sign this statement containing prescribed information for the ANMF NSW Branch.

The following information is lodged under subsection 189 (1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act)

The elections that are required are set out below:

Branch	Name of office	Number required	Voting system	Reason for Election	Electorate
NSW	Branch Secretary	1	Direct voting system	Scheduled	Financial Members of the ANMF NSW Branch Rule 85.1.4 & 85.2
NSW	Branch Assistant Secretary	1	Direct voting system	Scheduled	Financial Members of the ANMF NSW Branch Rule 85.1.4 & 85.2
NSW	Branch Councillors	21	Direct voting system	Scheduled	Financial Members of the ANMF NSW Branch Rule 85.1.4 & 85.2

In accordance with the Australian Nursing and Midwifery Federation rules (v145) the elections for the offices of Branch Secretary, Branch Assistant Secretary, Members of Branch Council (21) are to be conducted between the 1st day of September and the 30th day of October 2022 (rule 85.1.4)

No rule alterations are pending that will impact this election.

The elections for the offices of Branch President, Branch Vice-President and Branch Executive Members (6) are due to be conducted following the declaration of the elections for Members of Branch Council as per Rule 85B and 86.1.

The ANMF NSW is seeking that these be conducted as soon as possible upon assumption of office of the newly elected Council.

The Councillors take office from the 30th November 2022 or from the date of the declaration of the election, whichever is the latter. The subsequent election for Branch President, Branch Vice-President and Branch Executive Members (6) is a collegiate election process with eligible nominees being those Branch Councillors (21) elected by the Branch membership and with a limited roll of voters consisting only of members of Branch Council.

Branch	Name of office	Number required	Voting system	Reason for Election	Electorate	Branch
NSW	Branch President	1	Collegiate	Scheduled	Elected Branch Secretary, Branch Assistant Secretary and Council Rule 85B	Electorate Newly elected Branch Council
NSW	Branch Vice President	1	Collegiate	Scheduled	Elected Branch Secretary, Branch Assistant Secretary and Council Rule 85B	Electorate Newly elected Branch Council
NSW	Branch Executive	6	Collegiate	Scheduled	Elected Branch Secretary, Branch Assistant Secretary and Council Rule 85B	Electorate Newly elected Branch Council

Please contact Warren Williams, Manager Administrative Services, in relation to this matter. His contact details are:

Email: wwilliams@nswnma.asn.au

Direct Phone: 02 8595 1206

Postal Address: NSW Nurses and Midwives' Association
50 O'Dea Avenue
Waterloo NSW 2017

Yours sincerely



SHAYE CANDISH

Acting Branch Secretary

Australian Nursing and Midwifery Federation NSW Branch