



2 June 2023

Roderick McRae
Federal Secretary
Australian Salaried Medical Officers Federation
Sent via email: asmof@asmof.org.au

Dear Roderick McRae



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2023/26

An election has recently been completed by the Australian Electoral Commission (AEC) for the Australian Salaried Medical Officers Federation.

This letter explains the next steps you must take and what information you need to lodge with the Fair Work Commission (the Commission).

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@fwc.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 (regulation 141). The notice must be on your website for at least three 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 three months. You can always do more than the regulatory minimum.

The Commission will also publish your declaration of results on our [website](#).

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 (section 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 Commission website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the Commission](#) **within six 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 Commission within **35 days** of the change occurring.

We have a [template](#) to help you with this, which you can send to regorgs@fwc.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](#).

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

Yours sincerely

Fair Work Commission



The Commission 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.

11 May 2023

Post-election report

Australian Salaried Medical Officers
Federation
Insufficient Nominations election
E2023/26

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Election(s) Covered in this Report

Organisation: Australian Salaried Medical Officers Federation
Election: Insufficient Nominations
Election Decision No/s: E2023/26

Rules

Rules used for the election: 132N: Incorporates alterations of 11 February 2021 [R2020/115]
(replaces 13/03/2018 version [R2018/7])

Rules difficult to apply/interpret: No

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): Yes
Details:

Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.

Signed

Ben Murray
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 03 9285 7111
11 May 2023

Australian Salaried Medical Officers Federation
DECLARATION OF RESULTS - E2023/26
Uncontested Offices

Insufficient Nominations 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:

South Australia Branch

Branch Assistant Secretary/Treasurer (1)

Candidates

RICHARDS James

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

Ben Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEEvents@aec.gov.au
11/05/2023





DECISION

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

Australian Salaried Medical Officers Federation (E2023/26)

MR STEENSON

SYDNEY, 24 FEBRUARY 2023

Arrangement for conduct of election.

[1] On 7 February 2023 the Australian Salaried Medical Officers Federation (the **Organisation**) lodged with the Registered Organisations Commission prescribed information for an election to fill the following office for the remainder of the term of office, due to insufficient nominations received in the most recent election attempting to fill that office (**E2022/59**).

South Australia Branch

Branch Assistant Secretary/Treasurer (1)

[2] I note that in the most recent relevant election E2022/59, I drew attention to an apparent procedural defect in subrule 79(1) of the Organisation's rules which relates to insufficient nomination elections only occurring *after* the full completion of all stages of the triennial election process. In that decision, I asked the Organisation to consider changing its rules to remedy the apparent procedural difficulty. It appears that has not yet occurred.

[3] I am satisfied that an election for the abovenamed office 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

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PR352428

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, Dr Roderick McRAE, being the Federal Secretary of the Australian Salaried Medical Officers Federation (“the Federation”), make the following statement:

1. I am authorised to sign this statement containing prescribed information for the South Australia Branch.
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. Insufficient nominations were received in earlier elections and the declarations of results are attached.
5. No rule alterations are pending that will impact the election.
6. This statement **IS NOT** lodged at least 2 months before nominations open for the election(s) in Annexure A. The reason it is lodged after the prescribed time is:
 - a. earlier elections [E2020/222 and E2022/59] were held and insufficient nominations were received; and
 - b. the South Australia Branch Council has met as provided for under rule 79 of the Federation’s rules and has determined to seek an election for the office of Branch Assistant Secretary/Treasurer.

Signed:



Dr Roderick McRAE
Federal Secretary

Dated: 07 February 2023

[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:

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>	
South Australia	Branch Assistant Secretary/Treasurer	1	DVS	Insufficient nominations	All financial members of South Australia Branch (rule 76(9))

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by the returning officer (rules 79(1) and 76(2))	To be determined by the returning officer (rule 78)
Nominations CLOSE	To be determined by the returning officer (rules 79(1) and 76(2))	To be determined by the returning officer (rule 78)
Roll of Voters cut off date	30 days prior to nominations opening (rule 75)	7 days prior to nominations opening (rule 78(4))