



21 August 2023

Matthew Daniel
Branch Secretary
Australian Nursing and Midwifery Federation - Australian Capital Territory Branch
Sent via email: anmfact@anmfact.org.au

cc: Annie Butler, fedsec@anmf.org.au

Dear Matthew Daniel



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2023/119

An election has recently been completed by the Australian Electoral Commission (AEC) for the Australian Nursing and Midwifery Federation - Australian Capital Territory Branch and a post-election report has been issued by the AEC.

This letter explains the next steps you must take, including what information you need to give to members 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 the Commission at 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 we 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 approved 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 receive 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 *Fair Work (Registered Organisations) Act 2009* (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.

Real-life example of penalties in Court An 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](#).



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@fwc.gov.au.

Yours sincerely

Fair Work Commission



The Commission has an interim [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.

17 August 2023

Post-election report

**Australian Nursing and Midwifery
Federation**

Australian Capital Territory Branch

Scheduled election

E2023/119

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Election(s) Covered in this Report

Organisation: ANMF-Australian Capital Territory Branch
Election: Scheduled
Election Decision No/s: E2023/119

Rules

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

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/

Signed

Benjamin Murray
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 03 9285 7111
17 August 2023

Attachments

A. Declaration of Results for Uncontested Offices

Australian Nursing and Midwifery Federation
Australian Capital Territory
DECLARATION OF RESULTS - E2023/119
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:

Australian Capital Territory Branch

Branch President (1)

Candidates

ROSBOROUGH Athalene

Branch Vice President (1)

Candidates

OHMAN Lyndsey

Branch Executive Council (4)

Candidates

BURTON Wendy Alison

DAVIDSON Janine

LLOYD Susana

PRESTON-BOND Donna

Branch Councillors (5)

Candidates

BOURKE Lisa

FITZGERALD Jane

FROST Samantha

LYNCH Connor

TURNER Laura

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

Benjamin Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
15/08/2023





DECISION

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

Australian Nursing and Midwifery Federation
(E2023/119)

MR STEENSON

SYDNEY, 22 JUNE 2023

Arrangement for conduct of election.

[1] On 6 June 2023 the Australian Capital Territory Branch (Branch) of the Australian Nursing and Midwifery Federation (Organisation) lodged with the Fair Work Commission prescribed information for an election to fill the following offices for a new term of office:

Branch President	(1)
Branch Vice President	(1)
Branch Executive Council	(4)
Branch Councillors	(5)

[2] In the ordinary course of events, the previous scheduled election for these offices in matter (E2020/127)¹ would have been conducted and declared in 2020, with the elected officers commencing office on 30 November in the year of their election.² However, the Branch's usual biennial election cycle was affected by the interruption to industrial elections conducted by the Australian Electoral Commission (AEC) in 2020 and 2021 during the COVID-19 pandemic, and the Branch election was ultimately not declared by the AEC until 16 June 2021.

[3] The delay in the declaration of the election in E2020/127 means that the terms of the elected officers (which, if the term had commenced in the ordinary course, would expire in November 2022) run until June 2023.³ This is because subrule 83.4 of the Organisation's rules provides that the election cycle for these offices occurs in each alternate year, and does not stipulate that cycle run in accordance with odd or even years.

¹ [2020] ROCD 117

² ANMF rules certified 29 November 2021 (R2021/160) – subrule 83.4

³ Ibid

[4] I note that the office of Branch Secretary has a four-year term⁴ and, in accordance with the scheduled expiry of the term for that office, is next due for election in 2025.

[5] 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 GENERAL MANAGER

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⁴ Ibid – subrule 83.3



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, Matthew David Daniel, being the Branch Secretary of The Australian Nursing & Midwifery Federation, ACT Branch make the following statement:

1. I am authorised to sign this statement containing prescribed information for The ACT Branch of The Australian Nursing & Midwifery Federation.
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.
No rule alterations are pending that will impact the election.
4. This statement is lodged at least 2 months before nominations open for the election (s) in Annexure A.

Signed:

Matthew Daniel
SECRETARY

Dated: 6 June 2023

Annexure A

- Elections that are required

Branch	Name of Office	Number required	Voting System Direct voting system; Collegiate electoral system	Reason for Election Scheduled; Casual vacancy; New office created; Insufficient nominations
ACT Branch	Branch President	1	Direct Voting System	Scheduled
ACT Branch	Branch Vice President	1	Direct Voting System	Scheduled
ACT Branch	Branch Executive Council	4	Direct Voting System	Scheduled
ACT Branch	Branch Councillors	5	Direct Voting System	Scheduled

- Important dates:

	Direct Voting System
Nominations OPEN	To be determined by returning officer
Nominations CLOSE	To be determined by returning officer
Roll of Voters cut off date	To be determined by returning officer