



5 July 2017

Mr Alexander Scott
Branch Secretary
Australian Municipal, Administrative, Clerical and Services Union-Queensland Together Branch
alex.scott@together.org.au

Dear Mr Scott,

cc: dsmith@asu.asn.au

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of stage 1 contested and uncontested offices for the Queensland Together Branch [E2017/37]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

Holders of office required to undertake approved training

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which are provided for in the RO Act.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Australian Municipal, Administrative, Clerical and Services Union-Queensland Together Branch must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.

2. Person(s) who have commenced to hold office:
 - the name of the office now held;
 - the date of the change of office holder;
 - the name of the person now holding the office;

- the postal address of the person (generally the postal address of the organisation); and
- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards



Sam Gallichio
Registered Organisations Commission

NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009*

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 1. *[include OLD name and address and NEW name and address of every branch that has changed]*
 2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:³
 - COMMENCED operation:
 1. *[include name of each new branch]*
 2. ...
 - CEASED operation:
 1. *[include name of each closed branch]*

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to regorgs@roc.gov.au.]*

ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>...</i>						
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>...</i>						

28th JUNE 2017

Post-election Report

**E2017/37 Industrial election – Australian
Municipal, Administrative, Clerical and Services
Union (ASU QLD Together Branch)**

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Election(s) Covered in this Report

Election Decision No/s: **E2017/37**

Rules

Rules used for the election:

Australian Municipal, Administrative, Clerical and Services Union

052V: Incorporates alterations of 22 November 2016 [R2016/203]

(Replaced rulebook dated 10 November 2016 [R2016/67] corrected on 16 November 2016) total pages 1 to 269
Pages 114 to 157 are QLD Together Branch rule specific.

Rules difficult to apply/interpret:

The Together Branch Rules and ASU national rules were evolved from previous versions incorporating AEC feedback in 2016 – Version 52 as quoted above is this latest iteration. However the following points were noted by the DRO in 2017/37 as area's where further clarity and simplicity was required.

1. National Rule 40.bii - Advertising:

DRO thought the wording was unclear in relation to differentiating quadrennial and collegiate elections via rule 31, and as then overarched by national rule 41e as read by an unfamiliar non-member, and the extent of the specified requirements to advertise and by what means/forms.

Together Branch replied: Rule 40 b ii refers to the advertising process for quadrennial elections. In this current election all the elections are collegiate elections with the relevant electoral colleges being defined in Rule 31 of the Branch rules. The electoral colleges are the relevant Branch Industry Divisions' Conference delegates. Rule 41 e of the ASU National rules covers collegiate elections and does not have a requirement to advertise in newspapers. To ensure all the members of the electoral colleges are notified of the election it is our intent to notify Branch conference delegates by email and post and to publish a notice on our Branch website.

DRO Determination: No impact in this case as additional 'advertising' was undertaken by the Branch (newspaper, website, emails).

Australian Electoral Commission

2. National Rule 39 part VII and rule 40 part VII Nominees:

DRO could not readily conclude candidate nominator's criteria with regards to stipulation that 2 nominees are required for candidacy and then the eligibility criteria of those nominators please?

Together Branch replied: There was some discussion and debate over the requirement for a nominee to be nominated by 2 members of the Electoral College when we conducted the last round of collegiate elections (**Vacancy Election E2016/125 – Stage 2 Collegiate Election**). After submissions from our Branch and from the ASU National Secretary, the AEC previously concluded: *“Accordingly, I intend to apply the provisions contained in rule 39 in Part VII of the Rules to the eligibility of candidates, and rule 40 in Part VII of the Rules will apply to the nomination of candidates.”*

DRO Determination: This determination was applied in this round also. The rule wording needs to better reflect the requirement for collegiate specific elections at Branch level, and free from contrary national statements.

3. National Rule 41e and Branch Rule 32c (noting National normally overarches branch)

DRO could not easily determine rulings regarding attendance or postal ballot requirements or options

Together Branch replied: Prefer that the ballot for filling the vacant positions on National Conference and Branch Council was conducted by postal ballot as soon as possible rather than waiting until the next meeting as per the national rule 41 e.

Branch Executive endorsed the provision in Branch Rule 32(c) for the election of Branch Council Delegate and National Conference Delegate to be conducted by way of secret postal ballot.

DRO Determination: This was accepted by the DRO on precedent of previous AEC rulings and secret postal applied for 2017/37. Suggest the Branch ruling be noted to overarch national at 32c.

4. Branch Rule 31a and Rule 33b

DRO could not easily determine if these offices being elected were 'casual vacancies', and who therefore was eligible to vote for the specified collegiate offices.

Together Branch replied: The Branch does not believe 'casual' applies to this current election, where approximately 400 Branch Conference delegate positions have 200 unfilled. Branch Conference delegates are elected directly by and from the members in sub-divisions. The Branch Conference delegate positions are those defined at lines 14-16 of the table in Rule 31 a. These are the casual vacancies that are referred to in Rule 33 b of the Branch rules. The positions in this current election are positions that are elected collegiately from the existing Branch Conference delegates (by Division). We will be undertaking a separate process in June to call for nominations to fill the directly elected Branch Conference positions that are currently unfilled. Branch Rule 31 a (bottom of the table) and Branch Rule 42e both state that the members of the Branch Industry Division executives will be elected by and from Branch Conference members attached to the Branch Industry Division.

DRO Determination: Accepted after escalation within AEC.

Australian Electoral Commission

5. Branch Rule 41cii

DRO could not with any assurance determine if multiple nominations for more than one concurrent collegiate office, by particular college members was allowed.

Together Branch replied: They are entitled to do so and eligible, regardless of wording of 41cii which appears contrary.

DRO Determination: After escalated advice sought within the AEC, it was determined that eligible members may nominate for more than one office within the same college as per this election.

6. National Rule 41.5.d.ix Strike out ballot papers versus place an 'X' next to candidate/s of choice ballot paper requirement

DRO suggests there is ambiguity and lack of clarity regarding 'strike out ballots' versus 'place an X' as specified by the Branch for these offices with multiple positions.

Together Branch advised: 'Place an X' ballot paper rather than a 'strike out' ballot paper in accordance with rule 41.5.d.ix on page 78 preferred.

DRO Determination: 'X' mark ballot used rather than strikeout (as 41.e.ix is not applicable to the Together Branch as not listed in 41.d on page 78 of the national rules). Because Together Branch is not listed at 41d, it was deemed 41e ix is not applicable and 41 x applies.

Module Rule reference (if any); Non Applicable

Roll of Voters

The roll of voters provided by the organisation consisted of **192 members** across 7 Colleges; 2 of these Colleges related to 2014/279 and 5 related to the concurrent 2017/37. The total for 2017/37 specifically was **104 Members**.

0 Non-current addresses were noted

2 work addresses were noted

2 Roll of voters for 2 potential remaining 2014/279 Elections were received totalling 88 members - 43 voters for Branch Industry Division Executive (General) and 45 voters for Branch Industry Division Executive (Public Health).

1 Election only required of the 5 potential elections for 2017/37 - Total number of voters on the Roll for Other Branch Executive Member (Public Health): **46 Members**

Other matters pertaining to the roll of voters: 1 non-current address – Ballot paper reissued by post to new address); only 1 ballot paper returned and received from this elector.

Irregularities

Details of written allegations of irregularities, and action taken by AEC:

NIL noted or received by AEC DRO

Other irregularities identified, and action taken: ***NIL noted or received AEC DRO***

Other Matters

AEC DRO suggests new ASU rule required regarding 'nil requirement for nomination statements and photos'.

DRO suggests a National Rule required to overtly clarify that QLD Together Branch elections are exempt from any requirement to provide for submissions and photos to be submitted with the nominations.

Attachments

- 1) Declaration of results for Contested and Uncontested Offices
– QLD Together Branch E2017/37)



Barry McGlynn
Returning Officer
Australian Electoral Commission

28 June 2017

ATTACHMENT 1: 2017/37 Contested and Uncontested 2017 results

Australian Municipal, Administrative, Clerical and Services Union Vacancy Election ASU QLD Together Branch E2017/37

Amended Declaration of Results for Contested and Uncontested Offices

Below are 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.

Queensland Together Branch – 1 Contested Election - Other Branch Executive Member (Public Health)

Total number of names on the roll of voters	46
Ballot papers issued	46
Replacement ballot papers issued	1
Total Ballot Papers Issued	47
Ballot papers / envelopes returned for scrutiny	27
Less ballot papers / envelopes rejected at preliminary scrutiny	0
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	27
Percentage of ballot papers returned to number issued	57.45
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	20

Other Branch Executive Member (Public Health) (2)

<u>Candidates</u>	<u>Strikeout</u>	<u>Votes</u>
BLACK, Christopher	17	9
BYARD, Michelle	4	22
HUGUENIN, Rohan	6	20
Issued 46 plus 1 re-issued	46	46
Received	27	27
Total Ballots counted	27	27
Formal ballot papers	26	26
Informal ballot papers	1	1

I declare Michelle Byard and Rohan Huguenin elected.

Australian Electoral Commission

Other Branch Executive Member (Public Service) (1)

Candidates

BOOKER, Raymond John

I declare Raymond John Booker elected.

National Conference Delegate (Public Health) (4)

Candidates

BLACK, Christopher
BYARD, Michelle
CONLAN, John
HUGUENIN, Rohan

I declare Rohan Huguenin, Michelle Byard, Christopher Black and John Conlan elected.

National Conference Delegate (Public Service) (3)

Candidates

BLISS, Maree
ROBERTSON, Gayle
THOMPSON, Susan

I declare Gayle Robertson, Maree Bliss and Susan Thompson elected.

Branch Council Delegates (Public Service) (2)

Candidates

ROBERTSON, Gayle
THOMPSON, Susan

I declare Gayle Robertson and Susan Thompson elected.



Barry McGlynn
Returning Officer
Australian Electoral Commission

30 May 2017



27 June 2017

Mr Alexander Scott
Branch Secretary
Australian Municipal, Administrative, Clerical and Services Union-Queensland Together Branch
alex.scott@together.org.au

Dear Mr Scott,

cc: Mr David Smith, National Secretary, Australian Municipal, Administrative, Clerical and Services Union

Reminder of actions required when persons elected to office

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1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.

2. Person(s) who have commenced to hold office:
 - the name of the office now held;
 - the date of the change of office holder;

- the name of the person now holding the office;
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Regards

Christine Hibberd
Registered Organisations Commission

NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009*

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
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- On [DATE] the address of the organisation changed to [STREET ADDRESS].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 1. *[include OLD name and address and NEW name and address of every branch that has changed]*
 2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:³
 - COMMENCED operation:
 1. *[include name of each new branch]*
 2. ...
 - CEASED operation:
 1. *[include name of each closed branch]*

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to regorgs@roc.gov.au.]*

ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>...</i>						
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		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>...</i>						

From: Barry McGlynn <Barry.McGlynn@aec.gov.au>
Sent: Tuesday, 30 May 2017 10:12 AM
To: ROC - Registered Org Commission
Cc: QLD Elections - QLD; Alex Scott; Vivienne Doogan
Subject: Amended Declaration of results 2017/37 and 2014/279 - ASU QLD Together Branch [SEC=UNCLASSIFIED]
Attachments: 2014 279 Amended Declaration Results.pdf; 2017 37 Amended Declaration Results.pdf

**Australian Municipal, Administrative, Clerical and Services Union
Queensland Together Branch**

**2017/37 Amended Contested and Uncontested Declaration of Results
&
2014/279 Amended Uncontested Declaration of Results**

Good Morning,

The declaration of the 2017/37 election for contested and uncontested officers (5 offices and 12 positions) is attached.

The declaration of the 2014/279 election for contested and uncontested officers (2 offices and 6 positions) is attached.

These were provided yesterday as combined results for 2017/37, and have now been separated into two reports differentiating the two election processes conducted concurrently.

The election is now complete bar the Post Election Reports (PER) for both 2017/37 and 2014/279. In accordance with Section 197(1) of the *Fair Work (Registered Organisations) Act 2009* ("the Act"), it is my intention to provide a written Post Election Reports (PER) on the conduct of both elections to the Fair Work Commission and to the organisation or branch for whom the election was conducted within 30 days.

Regards,

Barry

Barry McGlynn | Returning Officer 2014/279 and 2017/37

Sunshine Coast Area Office | QLD Divisions

Australian Electoral Commission

T: (07) 5452 7595 | M: 0422 980 273



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Australian Municipal, Administrative, Clerical and Services Union Vacancy Election ASU QLD Together Branch E2017/37

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Other Branch Executive Member (Public Health) (2)

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Received	27	27
Total Ballots counted	27	27
Formal ballot papers	26	26
Informal ballot papers	1	1

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Other Branch Executive Member (Public Service) (1)

Candidates

BOOKER, Raymond John

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National Conference Delegate (Public Health) (4)

Candidates

BLACK, Christopher
BYARD, Michelle
CONLAN, John
HUGUENIN, Rohan

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THOMPSON, Susan

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Branch Council Delegates (Public Service) (2)

Candidates

ROBERTSON, Gayle
THOMPSON, Susan

I declare Gayle Robertson and Susan Thompson elected.



Barry McGlynn
Returning Officer
Australian Electoral Commission

30 May 2017



DECISION

Fair Work (Registered Organisations) Act 2009

s.189—Arrangement for conduct of an election

Australian Municipal, Administrative, Clerical and Services Union

(E2017/37)

MR ENRIGHT

MELBOURNE, 10 MARCH 2017

Arrangement for conduct of election.

[1] On 10 February, 18 February and 3 March 2017 the Queensland Together Branch of the Australian Municipal, Administrative, Clerical and Services Union (the Branch) lodged with the Fair Work Commission (the Commission) prescribed information in relation to an election to fill casual vacancies in the following offices, for the remainder of the terms of offices:

Other Branch Executive Members (Public Health)	(2)
Other Branch Executive Members (Public Service)	
National Conference Delegate (Public Health)	(3)
National Conference Delegate (Public Service)	(3)
Branch Council Delegate (Public Service)	(2)

[2] The Branch also lodged prescribed information in relation to an election for the following office, after insufficient nominations were received in a previous election (**E2014/279**):

National Conference Delegate (Public Health)

[3] 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

Printed by authority of the Commonwealth Government Printer

<Price code A, PR590743>

3 March 2017

Notice and Statement of Prescribed Information for an Election

I, Alex Scott, being the Branch Secretary of the Australian Municipal, Administrative, Clerical and Services, Queensland Together Branch make the following statement:

I am the Branch Secretary of the Australian Municipal, Administrative, Clerical and Services Union, Queensland Together Branch,

I am authorised to lodge the following prescribed information concerning forthcoming elections in the Australian Municipal, Administrative Clerical and Services Union, Queensland Together Branch and

I confirm that the following information is being lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009*.

Signed: 

Dated: 3/3/17.

Office/Position	Electorate
Other Branch Executive Members (Public Health) (2)	Public Health Branch Industry Division Conference Delegates
Other Branch Executive Members (Public Service) (1)	Public Service Branch Industry Division Conference Delegates
National Conference Delegate (Public Health) (4)	Public Health Industry Division Branch Conference Delegates
National Conference Delegate (Public Service) (3)	Public Service Industry Division Branch Conference Delegates
Branch Council Delegate (Public Service) (2)	Public Service Industry Division Branch Conference Delegates

Reasons for election:

- The offices were not filled at the previous elections; or
- Casual Vacancies have occurred

Elected by:

- The electorate for the collegiate electoral system is by and from the relevant Branch Industry Divisions' Conference Delegates for Other Branch Executive Members, totalling 3 persons (Rule 31a)
- The electorate for the collegiate electoral system is by and from the relevant Branch Industry Divisions' Conference Delegates for Branch Council Delegates, totalling 2 persons (Rule 31a)
- The electorate for collegiate electoral system is by and from the relevant Branch Industry Divisions' Conference Delegates for National Conference Delegates, totalling 6 persons (Rule 37 c and d)

Nominations open: At the discretion of the Returning Officer

Nominations close: At the discretion of the Returning Officer

Cut off date for roll: Fifteenth day of the month immediately preceding the date of calling nominations (Rule 41 c. vi.)

Casual Vacancies by Resignations

Qld Together Branch of the ASU

Number of positions	Office	Name(s)
2	Other Branch Executive Members (Public Health)	Rod Miles Cameron Brown
1	Other Branch Executive Members (Public Service)	Norm Jacobsen
3	National Conference Delegate (Public Health)	Simon Cox Rod Miles Cameron Brown
3	National Conference Delegate (Public Service)	Peter Keys Norm Jacobsen Linda O'Gorman
2	Branch Council Delegate (Public Service)	Peter Keys Linda O'Gorman

The below position has been vacant since original election in 2015 (E2014/279)

Qld Together Branch of the ASU

Number of positions	Office
1	National Conference Delegate (Public Health)