



6 March 2017

Allison Valentine
By Email: allison.valentine@aec.gov.au

Dear Alison

Re. E2016/256 AEC Post-Election Report

I write further to the AEC post-election report provided to the ANMF by email on 20 February 2017 where, in part, it is suggested the ANMF consider changes to ANMF Rule 49.

Please be advised that the ANMF intends to alter Rule 49 as proposed and will do so as part of a general revision of the Federation Rules which will be undertaken later this year.

Please contact me on 03 9602 8500 should you wish to discuss this matter further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nick Blake'.

Nick Blake
Senior Federal Industrial Officer

cc.orgs@fwc.gov.au

Canberra Office

Unit 3, or PO Box 4239
28 Eyre Street
Kingston ACT 2604
Australia

T +612 6232 6533
F +612 6232 6610
E anmfcanberra@anmf.org.au
W www.anmf.org.au

Melbourne Office

Level 1, 365 Queen Street
Melbourne VIC 3000
Australia

T +613 9602 8500
F +613 9602 8567
E anmfmelbourne@anmf.org.au
W www.anmf.org.au

ANMF Journals

**Australian Nursing and
Midwifery Journal**
E anmj@anmf.org.au

**Australian Journal of
Advanced Nursing**
E ajan@anmf.org.au

ABN 41 816 898 298



27 February 2017

Nick Blake
Senior Federal Industrial Officer
Australian Nursing and Midwifery Federation
Email: industrial@anmf.org.au

Dear Mr Blake,

Organisation must respond to the post-election report of the Australian Electoral Commission: E2016/256

On 20 February 2017 the Fair Work Commission (the Commission) received a post election report from the Australian Electoral Commission (AEC) for election E2016/256 dated 20 February 2017. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular rule(s) Ch 7 49.2.9 through 49.2.10(d). This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

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 regs 141(4) and (5)).

A written response must be provided to the AEC

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

Extract of report must be made available to members

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

Written response must be made available to members

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and

- within 30 days of giving the response to the AEC:
 - lodges with the Commission a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
 - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

Penalties may apply

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the Commission for assistance by email to orgs@fwc.gov.au.

If the organisation or branch decides to alter its rules in response to the AEC's report

If the organisation or branch decides to alter its rules in response to the AEC's report, the Regulatory Compliance Branch of the Commission is able to provide advice and assistance regarding draft alterations, as well as about the processes required to make the alterations. We encourage the organisation or branch to forward drafts of proposed alterations to orgs@fwc.gov.au

Yours sincerely

Michael Moutevelis

Regulatory Compliance Branch



27 February 2017

Nick Blake
Senior Federal Industrial Officer
Australian Nursing and Midwifery Federation
Email: industrial@anmf.org.au

Dear Mr Blake,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election [E2016/256]. 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 154D(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the rules of organisations (and branches of organisations) to require 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. A list of approved training providers is attached.

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 should be provided for in your organisation's rules.

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 Nursing and Midwifery Federation 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;

Level 10, Terrace Tower
80 William Street
East Sydney NSW 2011

Telephone: (02) 8374 6666
Email : orgs@fwc.gov.au
Internet : www.fwc.gov.au

- 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

Michael Moutevelis

Regulatory Compliance Branch

List of approved governance training packages

Approved training material	Provider	Contact person	Contact details
AHAWA Governance and Financial Training	Australian Hotels Association (WA Branch)	Mr Bradley Woods	(08) 9321 7701 ceo@ahawa.asn.au
APTIA Governance and Financial Training Package	Australian Public Transport Industrial Association	Mr Ian MacDonald	(02) 6247 5900 imacdonald@bic.asn.au
Handbook for Councillors of the Australian Industry Group	Australian Industry Group (for provision to Ai Group Councillors only. Not for external parties)	Ms Jenifer Leuba	(03) 9867 0174 jenifer.leuba@aigroup.asn.au
The Australian Workers' Union Professional Training Program Financial Duties of Officers	Australian Workers' Union	General enquiries	(02) 8005 3333 members@nat.awu.net.au
In-Boardroom: Governance and Finance for Registered Organisations	Australian Institute of Company Directors	Various	AICD state-based contacts
ACTU s.154C Training— Union Governance	Australian Council of Trade Unions (ACTU)	Organising Centre Enquiries	(03) 9664 7360 orgcentre@actu.org.au
Governance of Registered Organisations	Weston Woodley & Robertson Chartered Accountants	Mr Dennis Robertson	(02) 9264 9144 dennisr@wwr.com.au
Governance and Financial Accountability for Registered Organisations	Local Government New South Wales	Ms Sarah Artist	(02) 9242 4182 learning@lgnsw.org.au
Australian Hotels Association Financial Management Training	Australian Hotels Association (for provision to AHA officers only. Not for external parties)	Mr Stephen Ferguson	(02) 6273 4007 ceo@aha.org.au
Governance and Finance Training for Registered Organisations	Dickson Wohlsen Pty Ltd, trading as CTA Training	Mr Tom Streater	(07) 3878 9355 tom@dws.net.au
The Registered Organisation Training Act for Organisations and Boards	Vibe Public Relations Consultancy	Ms Anne Andrews	0400 021 679 vibeprctraining@bigpond.com
Training Course for Registered Organisations - Governance and Finance	Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union	Mr Andrew Johnson	andrew.johnson@lgrceu.org
MTAQ Registered Organisation Governance Course	Motor Trades Association of Queensland Industrial Organisation of Employers	Mr Paul Murray	paulm@mtaq.com.au

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]*
 2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to orgs@fwc.gov.au.]

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)

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
National	1.1.2014	Secretary	Full Name	Full Name	c/- the Registered Organisation, postal address of Registered Organisation	Paid official
	25.12.2013	President	vacant	Full Name	As above	mechanic
...						
NSW	1.1.2014 (resigned) 7.1.2014 (appointed)	President	Full Name	Full Name	c/- the Branch, postal address of the Branch	mechanic
		Committee of Management Member	Full Name	Full Name	As above	mechanic
		Treasurer	Full Name	vacant	vacant	vacant
...						

From: Allison Valentine <Allison.Valentine@aec.gov.au>
Sent: Monday, 20 February 2017 4:35 PM
To: Nick Blake; Orgs
Subject: FW: Post Election Report For: Australian Nursing and Midwifery Federation E2016/256 [SEC=UNCLASSIFIED]
Attachments: image001.wmz; PER E2016-256.docx; PER E2016-256.pdf; Declaration Uncontested.pdf

UNCLASSIFIED

Dear Nick,

I refer to the above named election for your organisation.

Section 197(1) of Schedule 1 of the *Fair Work (Registered Organisations) Act 2009* requires the AEC to provide a written report on the conduct of the election to the Industrial Registrar and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of Schedule 1 requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the *Fair Work (Registered Organisations) Act 2009* Regulations requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.



Regards,
Allison

Allison Valentine | Senior Returning Officer
Industrial and Commercial Elections | VIC State Office
Australian Electoral Commission
T: (03) 9285 7177 | F: (03) 9285 7149

Please note: On Tuesdays and Thursdays I work from the AEC's Braybrook Office between 10am and 4pm



Make sure you're **enrolled to vote.**
Visit www.aec.gov.au

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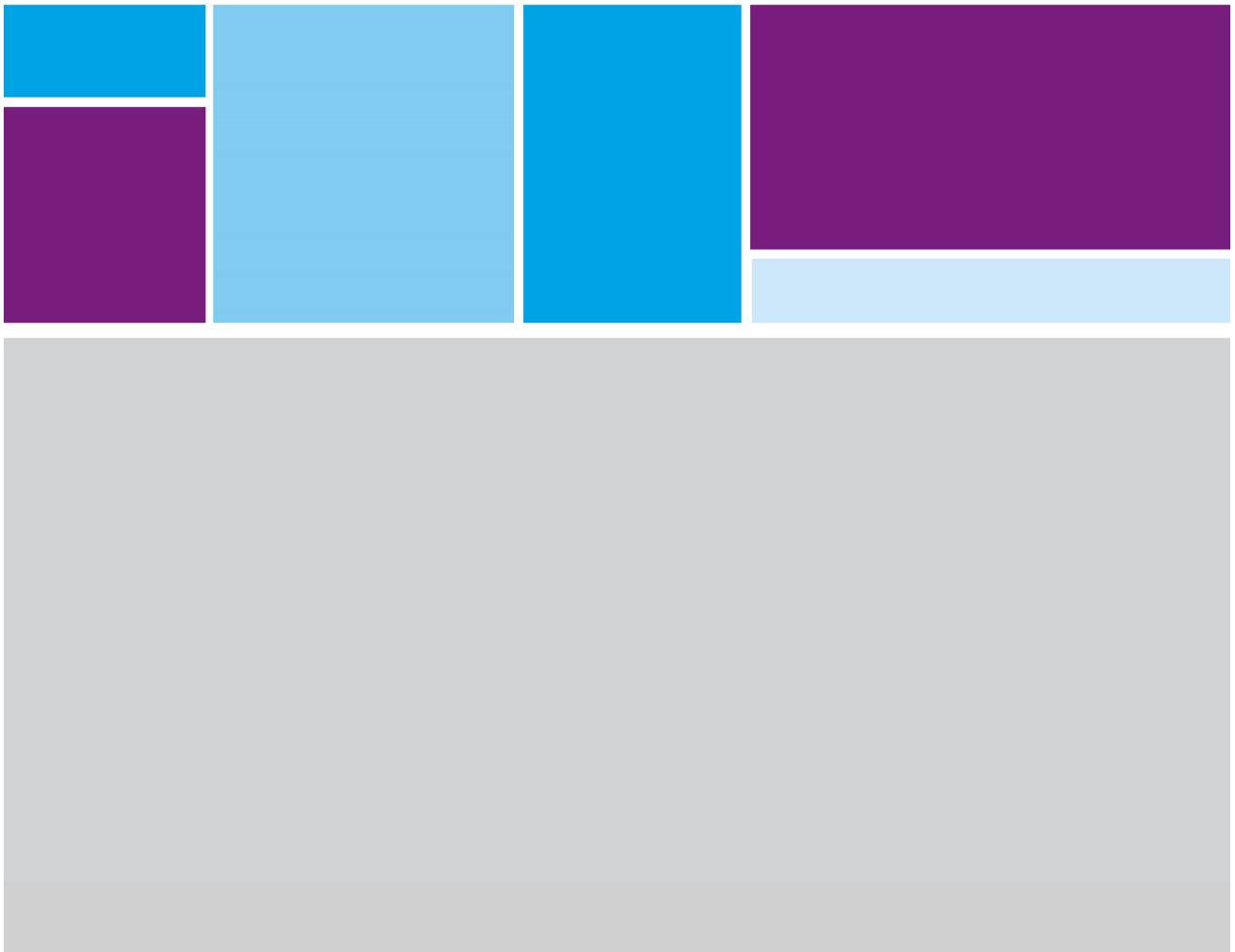
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Post-election Report

Australian Nursing and Midwifery Federation
Scheduled Election

E2016/256



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Election(s) Covered in this Report

Election Decision No/s: E2016/256

Rules

Rules used for the election: [145V: Incorporates alterations of 09/08/2016 (R2016/153)](*replaces 26/07/2016 (R2016/139) version*)

Rules difficult to apply/interpret: By making specific reference to *unopened envelopes* and *unopened ballot paper envelopes* the current wording of Ch 7 49.2.9 through 49.2.10(d) does not allow for progressive markback of envelopes at the direction of the Returning Officer. To allow progressive markback the ANMF may consider changing the wording of each of these references to *unopened declaration envelopes*. This would allow the outer reply paid envelope to be removed for progressive markback and preliminary scrutiny prior to the ballot close.

Module Rule reference (if any) 17.2 *Preliminary Scrutiny of Envelopes*

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

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

Other Matters

NIL

Attachments

- 1) Declaration of results for Uncontested Offices



Allison Valentine
Returning Officer

20 February 2017

svc-adlib5

From: Allison Valentine <Allison.Valentine@aec.gov.au>
Sent: Friday, 17 February 2017 3:16 PM
To: Nick Blake
Cc: Orgs
Subject: E2016/256 - ANMF - Scheduled Election - Federal Offices - Declaration Uncontested [SEC=UNCLASSIFIED]
Attachments: Covering letter declaration uncontested.pdf; Declaration Uncontested.pdf
Categories: RIA

UNCLASSIFIED

CC : FWC
BCC: All candidates

Dear Nick,
Please find attached the Declaration for above named election. The Post-election report will follow asap.

Thank you for all your assistance with this matter. Please let me know if you have any queries.

Regards,
Allison

Allison Valentine | Senior Returning Officer
Industrial and Commercial Elections | VIC State Office
Australian Electoral Commission
T: (03) 9285 7177 | F: (03) 9285 7149

Please note: On Tuesdays and Thursdays I work from the AEC's Braybrook Office between 10am and 4pm

UNCLASSIFIED

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Reference: V16/572

Ms Lee Thomas
Federal Secretary
Australian Nursing and Midwifery Federation
Level 1, 365 Queen Street
MELBOURNE VIC 3000

Dear Ms Thomas

**Australian Nursing and Midwifery Federation
E2016/256 – Scheduled Election - Federal Offices**

I refer to the arrangements for me to conduct an election for various positions in your Organisation. I now advise that a ballot was not necessary and the declaration of the uncontested offices is attached.

The election is now complete.

Yours sincerely

Allison Valentine
Returning Officer

17 February 2017

Level 8
Casselden
2 Lonsdale Street
Melbourne VIC 3000

GPO Box 4382
Melbourne VIC 3001

Contact: Allison Valentine
Phone: 03 9285 7177
Facsimile: 03 9285 7149
E-mail: allison.valentine@aec.gov.au

www.aec.gov.au
ABN 21 133 285 851

Australian Nursing and Midwifery Federation E2016/256 - Federal Offices

Declaration of Results for 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.

Federal

Federal President

Candidates

JONES, Sally-Anne

Federal Vice President

Candidates

SHARP, Lori-anne

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



Allison Valentine
Returning Officer
17 February 2017



DECISION

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

Australian Nursing and Midwifery Federation (E2016/256)

MR ENRIGHT

MELBOURNE, 9 DECEMBER 2016

Arrangement for conduct of election.

[1] On 15 November 2016, the Australian Nursing and Midwifery Federation lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Federal President	(1)
Federal Vice President	(1)

[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.



DELEGATE OF THE GENERAL MANAGER

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15 November 2016

Fair Work Commission
Level 4
11 Exhibition Street
Melbourne Vic 3000

By email – orgs@fwc.gov.au

Dear Registrar

Election for officers [2016/256]

Further to your email correspondence of 3 November 2016 we confirm that elections for ANMF Federal President and Federal Vice President are due in 2017.

In accordance with section 189 of the Fair Work (Registered Organisations) Act 2009 please find attached the prescribed information relating to the elections.

Subject to your approval, it is proposed that nominations should open 0900 Wednesday 1 February 2017 and close 1200 Wednesday 22 February 2017.

In order to ensure that the notice of nomination is accessible to the Federation's entire membership, notices will be inserted in the Federation's journals, which are:

- The Australian Nursing and Midwifery Journal
- The Queensland Nurse
- The Lamp
- The Western Nurse

The proposed nomination dates allow for insertion of the election notice in the Federation's journals within the prescribed 21 day period.

It is further proposed, subject to your approval, that the ballot be held between 6 March 2017 and Friday 20 March 2017.

If you require any further information, please contact Nick Blake, Senior Federal Industrial Officer by email (industrial@anmf.org.au) or telephone (03) 96028500.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Lee Thomas'.

Lee Thomas
Federal Secretary

Enc.

Canberra Office

Unit 3, or PO Box 4239
28 Eyre Street
Kingston ACT 2604
Australia

T +612 6232 6533

F +612 6232 6610

E anmfcanberra@anmf.org.au

W www.anmf.org.au

Melbourne Office

Level 1, 365 Queen Street
Melbourne VIC 3000
Australia

T +613 9602 8500

F +613 9602 8567

E anmfmelbourne@anmf.org.au

W www.anmf.org.au

ANMF Journals

Australian Nursing and
Midwifery Journal

E anmj@anmf.org.au

Australian Journal of
Advanced Nursing

E ajan@anmf.org.au

ABN 41 816 898 298

PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009*

STATEMENT

I, Lee Thomas, being the Federal Secretary of the Australian Nursing and Midwifery Federation make the following statement:

1. I am authorised to sign this statement containing prescribed information for ANMF national elections
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. This statement is lodged at least 2 months before nominations open for the election below.

Signed:



Dated: 15/11/2016

[PLEASE NOTE: This statement should be lodged with the Fair Work Commission at least 2 months prior to nominations opening. It can be submitted to orgs@fwc.gov.au.]

ANNEXURE A

- Elections that are required *[insert as many pages as required]*:

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
<i>National</i>	<i>President</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All members</i>
<i>National</i>	<i>Vice President</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All members</i>
...					
...					

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	<i>See ANMF Rule 47</i>	
Nominations CLOSE	<i>See ANMF Rule 47</i>	
Roll of Voters cut off date	<i>See ANMF Rule 47.5</i>	

Please note: that for insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as *'to be determined by the returning officer'*. Casual vacancies must be accompanied by proof of resignation and attached to this statement.