



Australian
Nursing &
Midwifery
Federation

AUSTRALIAN CAPITAL TERRITORY

13 November 2018

Registered Organisation Commission
GPO Box 2983
Melbourne VIC 3001

via email: regorgs@roc.gov.au

Dear Ms Hibberd

Re: Post-Election Report of the Australian Electoral Commission (AEC) E2018/134

The ANMF ACT Branch (ANMF) writes in response to the Registered Organisation Commission's (ROC) correspondence of 8 October 2018 regarding the AEC post-election report E2018/134 and the lack of a rule regarding the withdrawal of nominations.

As is required, the ANMF wishes to lodge with the ROC a copy of the relevant extract from the post-election report and the ANMFs response to the AEC (see attached). As indicated in our response to the AEC, the ANMF has made a declaration that a copy of the relevant extract and ANMF response are available to members who request a copy, at no charge.

In accordance with the requirements of the ROC, the ANMF declares that members will be given notice in the next edition of the Branch's publication, *The Collective Perspective*, that copies of the post-election report extract dealing with the difficult rule and the ANMFs response to the AEC will be made available on request, at no charge.

Yours sincerely

Matthew Daniel
ANMF ACT Branch
Secretary



Australian
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AUSTRALIAN CAPITAL TERRITORY

Australian Electoral Commission Post Election Report (No.E2018/134) Extract - Withdrawal of Nomination Rule

In accordance with the *Fair Work (Registered Organisations) Act 2009* the ANMF ACT Branch provides the following extract (relevant extract) from the AEC Post Election Report (No. 2018/134) as well as the Branch's response to the relevant extract. Copies of the relevant extract and the Branch response can be made available to members, free of charge, by contacting the Branch Office via email: anmfact@anmfact.org.au or by phone on (02) 6282 9455.

Rules used for the election: 145V: Incorporates alterations of 01/02/2018 (R2017/169)

Rules difficult to apply/interpret: The federation's rules do not contain a rule regarding the withdrawal of nominations. The model rules on the AEC website have a section regarding withdrawal of nominations which may assist. I recommend that the organisation insert a rule to address this matter.



Australian
Nursing &
Midwifery
Federation

AUSTRALIAN CAPITAL TERRITORY

23 October 2018

Ms Catherine Bernoth
Acting Returning Officer
Industrial & Commercial Elections
NSW State and Outposts
Australian Electoral Commission

Via Email: industrial.elections@aec.gov.au

Dear Ms Bernoth

Post-Election Report for Australian Nursing and Midwifery Federation – ACT Branch (Election No. E2018/134)

The ANMF ACT Branch refers to the Australian Electoral Commission (AEC) Post Election Report (No. E2018/134), dated 26 August and re-issued by the AEC on 8 October 2018, regarding the ACT Branch Council election. In accordance with the *Fair Work (Registered Organisation) Act 2009* (RO Act), the ANMF ACT Branch provides the following response to a difficulty applying/interpreting the ANMF Federal Rules, identified by the AEC, relating to the withdrawal of nomination process.

ANMF ACT Branch elections are conducted in accordance with the ANMF Federal Rules and the ANMF ACT Branch has notified the ANMF Federal Office of the AEC Post Election Report and the difficulty applying/interpreting ANMF Rules, regarding the withdrawal of nomination process. The ACT Branch has been advised by the ANMF Federal Office that the ANMF will look to insert a withdrawal of nomination rule during the current review of the ANMF Federal Rules.

The ANMF ACT Branch wishes to note that members have been advised, via our website, that a full copy of the AEC Post Election Report is available on request. The ANMF ACT Branch has also posted on our website a copy of the extract (relevant extract) from the AEC Post Election Report dealing with the difficult rule. The AEC was previously advised of these two postings to our website.

As is required under the RO Act, a copy of this response will be made available to members. The response will be posted on the ANMF ACT Branch website and it will be published in the next edition of the Branch's publication, *The Collective Perspective*. At the time of publishing the Branch's response and the relevant extract in *The Collective Perspective*, members will also be advised that a copy of the relevant extract and the Branch response to the AEC are available from the Branch free of charge.

The ANMF ACT Branch will lodge a copy of the relevant extract and our response, along with a declaration that a copy will be provided to any member who requests it, with the Registered Organisation Commission, as is required under the RO Act.

Sincerely

Matthew Daniel
Secretary



8 October 2018

Branch Secretary
Australian Nursing and Midwifery Federation-Australian Capital Territory
Branch
anmfact@anmfact.org.au

Cc: anmfcanberra@anmf.org.au

Dear Branch Secretary

Organisation must respond to the post-election report of the Australian Electoral Commission: E2018/134

On 26/09/2018 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2018/134 dated 26/09/2018. 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 the lack of a rule regarding the withdrawal of nominations. 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 ROC 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 ROC for assistance by email to regorgs@roc.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 ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

Christine Hibberd

Registered Organisations Commission



8 October 2018

Branch Secretary
Australian Nursing and Midwifery Federation-Australian Capital Territory Branch
anmfact@anmfact.org.au

Dear Branch Secretary,

cc: anmfcanberra@anmf.org.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 uncontested offices for Australian Capital Territory Branch [E2018/134]. 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, as soon as practicable after receiving the post-election report, 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 Nursing and Midwifery Federation-Australian Capital Territory 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

Christine Hibberd
Registered Organisations Commission

8 October 2018

**Australian Nursing and Midwifery
Federation**
ACT Branch
Scheduled Election
E2018/134

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Election(s) Covered in this Report

Organisation: Australian Nursing and Midwifery Federation – ACT Branch
Election: Scheduled
Election Decision No: E2018/134

Rules

Rules used for the election: 145V: Incorporates alterations of 01/02/2018 (R2017/169)

Rules difficult to apply/interpret: **The federation's rules do not contain a rule regarding the withdrawal of nominations. The model rules on the AEC website have a section regarding withdrawal of nominations which may assist. I recommend that the organisation insert a rule to address this matter.**

Model Rule reference: 10

For more details see the Model Rules on the AEC website:
(https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

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 to report

Other irregularities identified, and action taken: Nil to report

Other Matters

Returning Officer actions required (Section 193):

Details:

Nil

Signed



Catherine Bernoth
Returning Officer
Australian Electoral Commission
E: nswelections@aec.gov.au
P: 02 9375 6375
8 October 2018

Attachments

A. Declaration of Results for Uncontested Offices – ACT

Australian Nursing and Midwifery Federation
Australian Capital Territory
DECLARATION OF RESULTS - 2018/134
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 Council

Branch President (1)

Candidates

ROSBOROUGH, Athalene

Branch Vice President (1)

Candidates

CARTER, Shane

Branch Executive Member (4)

Candidates

OHMAN, Lyndsey

LLOYD, Susana

EHRlich, Leanne

HOBAN, Vanessa

Branch Councillor (5)

Candidates

DAWES, Fiona

BACKHOUSE, Rachel

BURTON, Wendy

CORRADINI, Claudia

BROWN, Melissa

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



Catherine Bernoth
Returning Officer
Australian Electoral Commission
17/09/2018



DECISION

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

Australian Nursing and Midwifery Federation
(E2018/134)

MR ENRIGHT

MELBOURNE, 18 JULY 2018

Arrangement for conduct of election.

[1] On 26 June 2018 the Australian Capital Territory Branch of the Australian Nursing and Midwifery Federation lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Branch President	(1)
Branch Vice President	(1)
Branch Executive Member	(4)
Branch Councillor	(5)

[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 COMMISSIONER

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Australian
Nursing &
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Federation

AUSTRALIAN CAPITAL TERRITORY

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 and Midwifery Federation, ACT Branch, make the following statement:

1. I am authorised to sign this statement containing prescribed information for The Australian Nursing and Midwifery Federation, ACT 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. This statement IS lodged at least 2 months before nominations open for the election below.

Signed:

Dated:

26/6/18

[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 <i>Direct voting system;</i>	Reason for Election <i>Scheduled;</i>	Electorate
ACT Branch	President	1	DVS	Scheduled	
ACT Branch	Vic President	1	DVS	Scheduled	
ACT Branch	Executive Council	4	DVS	Scheduled	
ACT Branch	Branch Councillor	5	DVS	Scheduled	

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	<i>to be determined by the returning officer'</i>	N/A
Nominations CLOSE	<i>to be determined by the returning officer'</i>	N/A
Roll of Voters cut off date	<i>to be determined by the returning officer'</i>	N/A

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.



5 June 2018

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

CC: AEC Returning Officer by email: industrial.elections@aec.gov.au

Dear Mr Daniel,

Courtesy Letter - Election for offices [E2018/134]

The rules of the Australian Nursing and Midwifery Federation-Australian Capital Territory Branch indicate that an election for offices within the branch is due to commence shortly.

- Branch Council (excluding Secretary and Assistant Secretary)

It appears that nominations for the election for the above-named offices open in September this year.

Reminder: prescribed information must be lodged

This is a courtesy letter to remind you of your obligation to lodge information about the election (known as the 'prescribed information') pursuant to sub-sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') within the month. Prescribed information must be lodged with the Registered Organisations Commission (the ROC) two months before nominations open for the election.

If you do NOT agree that an election is due

If you have a different interpretation for the commencement of the election or the offices due for election under your rules, please let the ROC know on regorgs@roc.gov.au as soon as possible.

If you agree that an election is due

If you agree that an election is due, the prescribed information must be lodged within the month. The prescribed information should contain details of the election as required by regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009* (the 'Regulations'), and any subsequent collegiate elections, if that is relevant. A sample of the prescribed information can be found on our website at <http://www.roc.gov.au/resources-and-decisions/fact-sheets-templates-and-webinars>.

The prescribed information should be emailed to regorgs@roc.gov.au. When lodging the prescribed information, please quote [E2018/134]

If you are unable to lodge the prescribed information on time

If your branch believes that it will be unable to comply with the prescribed day as set out in the Regulations, it will need to apply to the Commissioner within the month for a later date. Such request will need to set out in detail the reason why your organisation is unable to comply with the requirement. While the Commissioner will consider such an application, there is no assurance that

consent to a later day will be allowed.

Penalties apply

It should be noted Section 189(2) is a civil penalty provision. Failure for an organisation to lodge prescribed information at least two months before nominations open may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or the organisation.

The ROC intends to continue to provide reminders that an election is due as a courtesy. However failure to receive a reminder from the ROC cannot be relied on as a reason for late, incorrect or non-lodgment of prescribed information. The obligation to lodge prescribed information consistent with the Act and the rules of the organisation rests with the organisation.

Insufficient nominations

If there are insufficient nominations, or if a casual vacancy arises after the conduct of this election, then those unfilled or vacated offices must be filled in accordance the organisation's rules, and in any event in a timely manner.

Should you seek any clarification in relation to the above, please contact the ROC on regorgs@roc.gov.au.

Yours faithfully,



Sam Gallichio
Registered Organisations Commission