



7 December 2018

Ms Elizabeth Dabars
SA Branch Secretary
Australian Nursing and Midwifery Federation-South Australian Branch
elizabeth.dabars@anmfsa.org.au

Cc: The Federal Secretary, industrial@anmf.org.au

Dear Ms Dabars

Organisation must respond to the post-election report of the Australian Electoral Commission: E2018/100

On 28 November 2018 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2018/100 dated 28 November 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 rule 84.1. 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

Matthew Indrigo

Registered Organisations Commission



7 December 2018

Ms Elizabeth Dabars
SA Branch Secretary
Australian Nursing and Midwifery Federation-South Australian Branch
elizabeth.dabars@anmfsa.org.au

Dear Ms Dabars,

cc: The Federal Secretary, industrial@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 and contested offices for SA Branch [E2018/100]. 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-South Australian 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

Matthew Indrigo
Registered Organisations Commission

28 November 2018

Post-election report

Australian Nursing and Midwifery
Federation (South Australian Branch)
Scheduled election
E2018/100

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Election Covered in this Report

Organisation: Australian Nursing and Midwifery Federation (SA Branch)
Election: Scheduled
Election Decision No: E2018/100

Rules

Rules used for the election:	145V: Incorporates alterations of 01/02/2018 (R2017/169)
Rules difficult to apply/interpret:	Rule 84.1
Model Rule reference (if any):	N/A

Roll of Voters

Total number of voters on the Roll:	19,083
Number of apparent workplace addresses	1
Number of non-current addresses	260
Other matters pertaining to the roll of voters:	The initial roll of voters provided by ANMF contained approximately 1432 electors without an address. A subsequent roll was provided before the ballot commenced which rectified this anomaly.

Irregularities

Details of written allegations of irregularities, and action taken by AEC:	At verification of nominations there was a difference of opinion on the interpretation of Rule 84.1 in relation to the financiality of one Nominee. An exchange of correspondence between legal representatives ensued, and this delayed the opening of the ballot.
Other irregularities identified, and action taken:	Nil

Other Matters

Returning Officer actions required (Section 193): Yes

Details: A new timetable was created to manage the contested positions following legal interpretation regarding eligibility of one nomination. This delayed the ballot by 5 weeks.

Signed



Colin White
Returning Officer
Australian Electoral Commission
E: saelections@aec.gov.au
P: 08 8237 6551
28 November 2018

Attachments

- A. Declaration of Results for Uncontested Offices
- B. Declaration of Results for Contested Offices

Australian Nursing and Midwifery Federation (SA Branch)
DECLARATION OF RESULTS - E2018/100
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:

ANMF South Australian Branch

Branch President (1)

Candidates

MARTIN Gay

Branch Vice President (1)

Candidates

DOUGLASS Jocelyn

Branch Executive Member (4)

Candidates

CLIFFORD Janice

CROFT Lynn

DUFFY Joann

HORN Sharon

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



Colin White
Returning Officer
Telephone: 08 8237 6551
Email: saelections@aec.gov.au
28/11/2018



Australian Nursing and Midwifery Federation (SA Branch)
DECLARATION OF RESULTS - E2018/100
Contested 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:

ANMF South Australian Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	19,083
Number of voters issued with voting material	19,083
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	19,083
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	1,510
Number of declaration envelopes rejected at preliminary scrutiny (minus)	20
Number of declaration envelopes without ballot papers (minus)	2
COUNT	
Total ballot papers admitted to the count	1,488
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	260
Voting material packs not returned by voters by closing date of the ballot	17,313
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	8 %

Branch Councillor (15)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
WHITEHEAD, Sharon	1,005	1,005
WILLIAMS, Jayne	1,037	1,037
HUSKER, Wendy	995	995
CARR, Shareece	993	993
BORNHOEFT, Tammy	1,010	1,010
COPLEY, David	999	999
JOHNSON, Marcelle	1,034	1,034
BULL, Kristen	1,015	1,015
PANLILIO, Roger	640	640
SMITH, Stuart	1,066	1,066
THOMPSON, Jan	1,041	1,041
SUN, Chanmakara (Mac)	1,004	1,004
LAWSON, Nanette	1,010	1,010

WINTON, Brigitte	987	987
LEWINGTON, Deborah	1,005	1,005
KELLY, Nicole	1,106	1,106

Total ballot papers admitted for this office		1,488
Formal Ballot papers		1,457
Informal Ballot papers		31

I declare the following elected:	Order Elected
• KELLY, Nicole	1
• SMITH, Stuart	2
• THOMPSON, Jan	3
• WILLIAMS, Jayne	4
• JOHNSON, Marcelle	5
• BULL, Kristen	6
• LAWSON, Nanette	7
• BORNHOEFT, Tammy	8
• WHITEHEAD, Sharon	9
• LEWINGTON, Deborah	10
• SUN, Chanmakara (Mac)	11
• COPLEY, David	12
• HUSKER, Wendy	13
• CARR, Shareece	14
• WINTON, Brigitte	15



Colin White
 Returning Officer
 Telephone: 08 8237 6551
 Email: saelections@aec.gov.au
 28/11/2018



DECISION

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

Australian Nursing and Midwifery Federation (E2018/100)

MR ENRIGHT

MELBOURNE, 3 MAY 2018

Arrangement for conduct of election.

[1] On 20 April 2018 the South Australian Branch of the Australian Nursing and Midwifery Federation lodged with the Registered Organisations Commission prescribed information in relation to an election for the following offices:

Branch President	(1)
Branch Vice President	(1)
Branch Executive Member	(4)
Branch Councillor	(15)

[2] I am satisfied that an election for the above-named 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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<Price code A, PR351058>

From: KELLETT,Stephen
Sent: Thursday, 3 May 2018 1:06 PM
To: 'Industrial Elections'
Subject: Scheduled election - ANMF SA Branch - E2018/100 - granted [SEC=UNCLASSIFIED]

Dear Electoral Officer

Please see attached a copy of the Delegate's decision in relation to the above.

Yours faithfully

STEPHEN KELLETT
Financial Reporting
Registered Organisations Commission

Tel: (02) 6746 3283
Email: stephen.kellett@roc.gov.au

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Australian Government
Registered Organisations Commission



E2018 100
Decision.pdf



20 April 2018

Registrar
Fair Work Australia
GPO Box 1994
MELBOURNE Vic 3001

By email: melbourne@fwa.gov.au
orgs@fwc.gov.au

Dear Sir / Madam

ANMF South Australian Branch is required to hold an election for its elected positions in 2018 as the current term of office for all positions (with the exception of Branch Secretary) expires on 30 November 2018.

Arising from this, the following motion was carried by Branch Councillors at their meeting on 18 April 2018:

'That ANMF South Australian Branch Council requests the Industrial Registrar to authorise the conduct of elections in accordance with the provisions of the Fair Work (Registered Organisation) Act 2009, under section 189 of Schedule 1B, for Branch President, Branch Vice President, 4 Branch Executive members and 15 Ordinary Branch Councillors.'

Please find enclosed a 'Prescribed Information for Election' form – Regulation 138, Subsection 189(1) of the Fair Work (Registered Organisation) Regulation in relation to this matter.

If you have any queries in relation to the information provided please contact Julie Livesey in the first instance on Tel. (08) 8334 1940.

Thank you for your assistance in this matter.

Yours sincerely



Adj Assoc Professor Elizabeth Dabars AM
BRANCH SECRETARY

PRESCRIBED INFORMATION FOR ELECTION
- REGULATION 138 OF SECTION 189(1)

I am an officer of the Australian Nursing and Midwifery Federation South Australian Branch and am authorised to sign this statement which is lodged in accordance with Regulation 138 of Section 189(1).

1. The officers in respect of which the election is required are the following elected positions:

Branch President
Vice Branch President
4 Branch Executive members; and
15 Ordinary Branch Councillors

2. The reason for which the election is required is that the term of office for the above positions expires on 30 November 2018.

3. The electorate for the election is:


Whole of the Branch.

4. The dates and times that nominations open and close are:

Nominations shall be conducted between the 1st day of September 2018 and elections to be completed by the 30th day of October 2018, noting that the Returning Officer may call for nominations prior to the 1st day September, in accordance with rules 85.1.1 and 85.2 of the ANMF Federal Rules.

5. The voting system to be used in the conduct of the election is:

Direct voting system.



..... (signed)

Adj Assoc Professor Elizabeth Dabars AM
BRANCH SECRETARY

20 April 2018