

4 June 2021

Post-election report

**Australian Nursing and Midwifery
Federation**

South Australian Branch

Scheduled election

E2020/105

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Election(s) Covered in this Report

Organisation: ANMF - South Australian Branch
Election: Scheduled
Election Decision No/s: E2020/105

Rules

Rules used for the election: ([145V: Incorporates alterations of 22 June 2020 R2020/54]
(replaces rulebook dated 27 May 2020 [R2020/30])

Rules difficult to apply/interpret:

'49.2.7 With all convenient speed but not later than fourteen (14) days before the ballot is to be held, send to each member the following papers by prepaid post in a sealed envelope...'

The words "before the ballot is held" is ambiguous due to this being a postal ballot as opposed to an attendance ballot and there is no mention in the rules regarding the ballot opening. Additionally, the 14 day time frame infers that this is not part of the ballot period and could therefore substantially impact the ballot results if ballots received during this period are not included in the count.

The rules do refer to the closing of the ballot being:

'49.2.4 (ca) fix a date and time for the closing of the ballot that is no less than 28 days and no more than 49 days after the date upon which the ballot papers are distributed under rule 49.2.7.'

Model Rule reference (if any): 16.2 Issue of ballot material

16.2.1 On or before the opening day of the ballot the returning officer shall forward ballot material in a sealed envelope by prepaid post to each person on the roll of voters at the address shown on the roll of voters.

For more details see the Model Rules on the AEC website: <https://www.aec.gov.au/ieb/files/model-rules-nov2010.pdf>

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 irregularities identified, and action taken: NIL

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

- As there is no rule pertaining to the method in which nominations must be lodged, the Returning Officer applied subparagraph 193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009 to only accept nominations via email or portal and not by hand or post, due to the ongoing COVID-19 risk.
- As there is no rule pertaining to the photograph colour and size in the candidate statement, the Returning Officer applied subparagraph 193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009 to only accept photographs that are black and white and do not exceed 'passport' size dimensions (35mm W x 45mm H).
- Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.

Signed



Sally Angus
Returning Officer
Australian Electoral Commission
E: IEBevents@aec.gov.au
P: 03 9285 7111
4 June 2021

Attachments

A. Declaration of results for Uncontested Offices

Australian Nursing and Midwifery Federation
South Australian Branch
DECLARATION OF RESULTS - E2020/105
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:

South Australian Branch

Branch President (1)

Candidates

DOUGLASS Jocelyn

Branch Vice-President (1)

Candidates

DUFFY Jo

Branch Secretary (1)

Candidates

DABARS Elizabeth

Branch Executive Member (4)

Candidates

CLIFFORD Janice

HORN Sharon

SMITH Stuart

TYLER Barb

Branch Councillor (15)

Candidates

BULL Kristen

CARR Shareece

CRISTEA Elena

EVANGELISTA Gabriel

HARTUP Nyssa

HEWSON Suzanne

HUSKER Wendy

JOHNSON Marcelle

KELLY Nicole

LAWSON Nanette

LEE Vicki

LEWINGTON Deborah

MOORE Christopher

NORRIS Suzanne Marie

O'DONOHUE Nicholas

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

Sally Angus
Returning Officer
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26/04/2021



DECISION

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

Australian Nursing and Midwifery Federation
(E2020/105)

MR ENRIGHT

MELBOURNE, 25 MAY 2020

Arrangement for conduct of election.

[1] On 1 May and 14 May 2020 the Australian Nursing and Midwifery Federation South Australian Branch lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Branch President	(1)
Branch Vice President	(1)
Branch Secretary	(1)
Branch Executive member	(4)
Branch Councillor	(15)

[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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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, Elizabeth Dabars, being the Branch Secretary of the Australian Nursing and Midwifery Federation South Australian Branch make the following statement:

- 1. I am authorised to sign this statement containing prescribed information for the Australian Nursing and Midwifery Federation South Australian 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. A brief outline of the proposed rule alterations affecting this election is attached at **Annexure B**. These rule alterations have been lodged with the Fair Work Commission. The proposed alterations were lodged on 6 March 2020.
- 5. This statement is lodged at least 2 months before nominations open for the election in Annexure A.



..... (signed)

Adj Assoc Professor Elizabeth Dabars AM
BRANCH SECRETARY

14 May 2020

ANNEXURE A

- **Elections that are required**

Branch	Name of Office	Number required	Voting system	Reason for Election	Electorate
South Australian Branch	Branch Secretary	1	Direct voting	Scheduled	All financial members of the South Australian Branch (sub-rule 85.4.1)
South Australian Branch	Branch President	1	Direct voting	Scheduled	All financial members of the South Australian Branch (sub-rule 85.4.1)
South Australian Branch	Branch Vice-President	1	Direct voting	Scheduled	All financial members of the South Australian Branch (sub-rule 85.4.1)
South Australian Branch	Branch Executive members	4	Direct voting	Scheduled	All financial members of the South Australian Branch (sub-rule 85.4.1)
South Australian Branch	Ordinary Branch Council members	15	Direct voting	Scheduled	All financial members of the South Australian Branch (sub-rule 85.4.1)

- **Important dates**

	Direct Voting System
Nominations OPEN	Nominations shall be conducted between the 1 st day of September 2020 and completed by the 30 th day of October 2020, noting that the Returning Officer may call for nominations prior to the 1 st day of September (rule 85.1.1 of Federal ANMF rules)
Nominations CLOSE	To be determined by the returning officer.
Roll of Voters cut off date	Seven days before the day on which nominations are open (sub-rule 85.4.1).

ANNEXURE B

Effect of these rule changes on ANMF elections

New sub-rule 46.1 and 84.4

These sub-rules allow candidates to withdraw their nomination from an election not later than seven days after the time fixed for the close of nominations. Previously a candidate was not able to withdraw their nomination.

New sub-rule 83.2

This sub-rule (and subsequent renumbering) allow for Branch Councils to determine if their Branch President and Branch Vice-President will serve two or four year terms. This does not apply to the NSW and QNMU branches, which already have 4 year terms for these offices.

New sub-rule 49.2.4(ca)

This new sub-rule fixes a date and time for the closing of a ballot for elections that is no less than 28 days and no more than 49 days after the date upon which the ballot papers are distributed.