



11 January 2018

Ms Emily Shepherd  
Branch Secretary  
Australian Nursing and Midwifery Federation – Tasmanian Branch  
enquiries@anmftas.org.au

Dear Ms Shepherd,

CC: The Federal Secretary, Australian Nursing and Midwifery Federation

### **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 the contested office for Branch Secretary [E2017/195]. 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 Nursing and Midwifery Federation-Tasmanian 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

**Mitch Webster**  
**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].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  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]:<sup>3</sup>
  - COMMENCED operation:
    1. *[include name of each new branch]*
    2. ...
  - CEASED operation:
    1. *[include name of each closed branch]*

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<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> 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](mailto: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.*

<b>Branch</b>	<b>Date of Change</b>	<b>Name of Office that has changed</b>	<b>Name of <u>Outgoing</u> Office Holder</b>	<b>Name of <u>New</u> Office Holder</b>	<b>Postal Address of <u>New</u> Office Holder</b>	<b>Occupation of <u>New</u> Office Holder</b>
<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>						

20 December 2017

# Post-election Report

**Australian Nursing and Midwifery Federation,  
Tasmanian Branch Secretary - E2017/195**

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## Election Covered in this Report

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Election Decision No/s: E2017/195

### Rules

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Rules used for the election: 145V: alterations of 05/04/2017 in matter R2017/50

Rules difficult to apply/interpret: Nil

### Roll of Voters

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Total number of voters on the Roll: 6949

Number of apparent workplace addresses: 15

Number of non-current addresses: 62

Other matters pertaining to the roll of voters: Nil

### Irregularities

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

Three matters were raised during the conduct of this election; all related to one candidate who had been appointed Acting Secretary. One was anonymous and two were by individuals, and related to questioning whether the incumbent Acting Secretary was obtaining an advantage or being assisted by the Organisation. Each matter was examined at the time it was raised with the Returning Officer, referred to AEC National Unit, and in each case it appeared to be the Organisation or the Acting Secretary was undertaking normal, and expected, everyday functions.

Other irregularities identified, and action taken: Nil

### Other Matters

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Nil

### Attachments

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1. Declaration of contested office.

Michael Horwood  
Returning Officer, Tasmania

20 December 2017



# Australian Nursing and Midwifery Federation

## Scheduled Election - Tasmanian Branch Secretary

### Declaration of Results for Contested Offices

E2017/195

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.

#### Tasmanian Branch

Total number of names on the roll of voters	6902
Ballot papers issued	6902
Replacement ballot papers issued	5
<b>Total Ballot Papers Issued</b>	<b>6907</b>
Ballot papers / envelopes returned for scrutiny	2121
Less ballot papers / envelopes rejected at preliminary scrutiny	24
Adjusting balance (two declaration envelopes in reply paid envelopes)	2
<b>Total Ballot Papers Admitted to Scrutiny</b>	<b>2099</b>
Percentage of ballot papers returned to number issued	30.4%
Ballot papers returned as unclaimed mail	22
Ballot papers not returned	4764

#### Branch Secretary

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
SHEPHERD, Emily	1372	1372
FORD, Kim	725	725
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	2097	2097
Formal ballot papers	2097	2097
Informal ballot papers	2	2

I declare Emily Shepherd elected.



Michael Horwood  
Returning Officer  
Australian Electoral Commission

29 November 2017



14 September 2017

Mr Chris Enright  
Delegate of the Commissioner  
Registered Organisations Commission  
GPO Box 2983  
MELBOURNE VIC 3001



Dear Mr. Enright,

**[2017] ROCD 90 re Australian Nursing and Midwifery Federation**

We write in regard to the failure of the Australian Nursing and Midwifery Federation Tasmanian Branch (ANMF Tasmania) to meet its statutory obligation to lodge the prescribed information before the prescribed day as required by Section 189 of the Fair Work (Registered Organisations) Act 2009 and regulation 138(3) of the Fair Work (Registered Organisations) Regulations for the election of the ANMF Tasmanian Branch Secretary.

We note the prescribed information was not filed for some weeks after the prescribed day and the ANMF and ANMF Tasmania acknowledges this constituted a significant failure of the union to comply with its statutory obligations in this instance.

We also acknowledge the reason provided by ANMF Tasmania when seeking an extension although accurate, did constitute a failure on the organisations part to properly explain the circumstances for the delay. Put briefly as a result of the Branch Governance Officer taking extensive leave, the responsibilities were left to others who lacked an understanding of both the detail of the information needed to be provided, as well as the importance of meeting the timeframes set down in the regulations. This gap in knowledge is partly evidenced when one reads the various email communications between ANMF Tasmania and the ROC in August and September.

The ANMF Federal Office has been advised by ANMF Tasmania that processes have now been established that should prevent a reoccurrence of this type of failure. The permanent Governance Officer returns from parental leave next week and further additional training and education of relevant officers is to be instituted as a priority.

The ANMF and ANMF Tasmania do take their reporting obligations under the Fair Work (Registered Organisations) Act 2009 very seriously and a lot has been done in recent times by elected and specialist officers to ensure all reporting units within the ANMF meet such obligations in full and on time. Accordingly, Decision

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**ANMF Journals**

**Australian Nursing and  
Midwifery Journal**  
E [anmj@anmf.org.au](mailto:anmj@anmf.org.au)

**Australian Journal of  
Advanced Nursing**  
E [ajan@anmf.org.au](mailto:ajan@anmf.org.au)

ABN 41 816 898 298



[2017] ROCD 90 and a copy of this letter will be tabled and discussed at the next meeting of the ANMF Federal Executive scheduled for November 2017.

Notwithstanding the recent failure by ANMF Tasmanian, the ANMF believes that generally it has a sound recent history of meeting our statutory obligations and will continue to do so.

We respectfully request the Registered Organisations Commissioner has regard to this correspondence when considering any further action in relation Decision [2017] ROCD 90.

Yours sincerely

Lee Thomas  
Federal Secretary

Cc. ANMF Tasmania



## DECISION

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

**Australian Nursing and Midwifery Federation**  
(E2017/195)

MR ENRIGHT

MELBOURNE, 11 SEPTEMBER 2017

*Arrangement for conduct of election.*

[1] On 22 August, 4 and 6 September 2017 the Tasmanian Branch (the Branch) of the Australian Nursing and Midwifery Federation lodged with the Registered Organisations Commission prescribed information for an election to fill the following office:

Branch Secretary (1)

[2] The Branch did not lodge the prescribed information before the prescribed day as required by regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. The prescribed information should have been lodged by 14 July 2017. In correspondence dated 6 September 2017, the Branch Secretary, Neroli Ellis, provided the following:

*‘Due to personal [sic] changes within the Tasmanian Branch the lodgement of prescribed information was delayed. We would be seeking an extension to commence nominations 24 days after the initial lodgement of the prescribed information being the 15 September 2017’*

[3] The statement above represents the totality of the explanation provided by the Branch relating to its failure to meet a statutory obligation and seeks, on that basis, an extension of time to lodge the requisite prescribed information. I am not satisfied that the reason provided is a sufficient ground to justify the failure to comply with a statutory obligation. Having regard to the normal and reasonable expectation that registered organisations take steps to ensure they comply with the time-frame requirements set out not only in the *Fair Work (Registered Organisations) Act 2009* (the Act) but also in instruments or references pertaining to governance formulated by the organisations themselves, I decline on this occasion to allow, under section 189(2) of the Act, a later day for lodgement. The failure to lodge the prescribed information before the prescribed day therefore renders the organisation liable for a civil penalty provision pursuant to section 189(2) of the Act.

[4] The refusal of an extension of time under section 189(2) of the Act does not, however, affect a determination of an election notification matter for the purposes of section 189(3) of the Act.

[5] I am satisfied that an election for the abovenamed office is required to be held under the rules of the organisation and, under subsection 189(3) of the Act, 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, Neroli Ellis, being the Tasmanian Branch Secretary of the Australian Nursing and Midwifery Federation, make the following statement:

1. I am authorised to sign this statement containing prescribed information for.
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.

OR

*[If lodged less than 2 months before nominations open]* This statement **IS NOT** lodged at least 2 months before nominations open for the election below. The reason it is lodged after the prescribed time is:

- a. Due to personal changes within the Tasmanian Branch the lodgement of prescribed information was delayed. We would be seeking an extension to commence nominations 24 days after the initial lodgement of the prescribed information being the 15 September 2017.

Signed: Neroli Ellis, Australian Nursing and Midwifery Federation Tasmanian Branch Secretary



Dated: 6 September 2017

*[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](mailto:regorgs@roc.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>Tasmanian</i>	<i>Secretary</i>	<i>1</i>	<i>Direct</i>	<i>Scheduled</i>	<i>Tasmania</i>
...					
...					

- Important dates:

	Direct Voting System	Collegiate Electoral System
<b>Nominations OPEN</b>	<i>15 September 2017</i>	
<b>Nominations CLOSE</b>	<i>29 September 2017</i>	
<b>Roll of Voters cut off date</b>	<i>8 September 2017</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.