

1 June 2021

Post-election report

Australian Nursing and Midwifery Federation
Western Australia Branch
Scheduled election
E2020/123

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Election(s) Covered in this Report

Organisation: ANMF - Western Australia Branch
Election: Scheduled
Election Decision No/s: E2020/123

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" are ambiguous due to this being a postal ballot as opposed to an attendance ballot, with 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>

Irregularities

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

Other irregularities identified, and action taken: N/A

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

Tiffany Nguyen
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 02 9375 6395
1 June 2021

Attachments

A. Declaration of Results for Uncontested Offices – WA

Australian Nursing and Midwifery Federation
Western Australia Branch
DECLARATION OF RESULTS - E2020/123
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:

Western Australia Branch

Branch Vice President (1)

Candidates

LEE Kerry

Branch Executive Committee Member (2)

Candidates

EVANS Treena

MURPHY Loreta

Branch Councillors (6)

Candidates

ENAD Edgar

REAH Janet

WATSON Glenda

WOOLLER Tanya

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



Tiffany Nguyen

Returning Officer

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18/05/2021



DECISION

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

Australian Nursing and Midwifery Federation
(E2020/123)

MR ENRIGHT

MELBOURNE, 30 JULY 2020

Arrangement for conduct of election.

[1] On 30 June and 28 July 2020 the Australian Nursing and Midwifery Federation - Western Australian Branch lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Branch Vice President	(1)
Branch Executive Committee Member	(2)
Branch Councillors	(6)

[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 &
Midwifery
Federation**

Tuesday, 28 July 2020

Notice and Statement of Prescribed Information for an Election

I, Mark Olson, being the Branch Secretary of the Australian Nursing Federation Western Australian Branch make the following statement:

I am the Branch Secretary of the Australian Nursing Federation, WA Branch.

I am authorised to lodge the following prescribed information concerning forthcoming elections in the Western Australia Branch of the Australian Nursing Federation and

I confirm that the following information is being lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009

The original notice dated 30th June 2020 contained an error with an incorrect number of councillors being listed as 9 when it should have stated 6. I have corrected this error.

Offices/Positions

Branch Vice-Presidents 1 Direct Voting System
Branch Executive Committee Members (2) (DVS)
Branch Councillors (6) (DVS)

Reasons for election:

- Election for offices and positions is required as the terms of office are due to expire in the normal course of events under the rules of the organisation.

Elected by:

- The electorate for the direct voting system is the whole of the Branch.

Nominations open:

- For offices to be elected by direct voting system – after 1 September

Nominations close:

- For offices to be elected by direct voting system no later than - 12 noon, 30th October

Cut off date for roll:

- In all cases - 7 days prior to the opening date for nominations - rule 85.4.1