

Australian Salaried Medical Officers Federation Federal Executive Member

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2012/244

Federal Executive

Federal Executive Member Australian Capital Territory Branch

Candidate

COLLIGNON, Peter

Federal Executive Member Commonwealth Branch

Candidate

HIBBINS, Guy

Federal Executive Member South Australian Branch

Candidate

POPE, David

Federal Executive Member Western Australia Branch

Candidate

DOBB, Geoffrey

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

Rhys Richards
Returning Officer
11 February 2013

Australian Salaried Medical Officers Federation Federal Officers

DECLARATION OF RESULTS FOR CONTESTED OFFICES

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.

E2012/244

Federal Executive

Total number of persons on the roll of voters	23
Ballot papers issued	23
Duplicate ballot papers issued	0
TOTAL BALLOT PAPERS ISSUED	23
Ballot papers / envelopes returned for scrutiny	16
Less ballot papers / envelopes rejected at preliminary scrutiny	1
Adjusting Balance	0
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	15
Percentage of ballot papers returned to number issued	69%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	8

Federal President

<u>Candidates</u>	<u>Votes</u>
VERCO, Christopher J	5
SARA, Anthony	10
Exhausted Votes	0
Loss/Gain by Fraction	0
Total votes	15
Formal ballot papers	15
Informal ballot papers	0

I declare Antony Sara elected.

Federal Vice-President

<u>Candidates</u>	<u>Votes</u>
VERCO, Christopher J	5
MCRAE, Roderick John	10
Exhausted Votes	0
Loss/Gain by Fraction	0
Total votes	15
Formal ballot papers	15
Informal ballot papers	0

I declare Roderick John McRae elected.

Federal Secretary

<u>Candidates</u>	<u>Votes</u>
BUCKMASTER, Nick	9
POPE, David	6
Exhausted Votes	0
Loss/Gain by Fraction	0
Total votes	15
Formal ballot papers	15
Informal ballot papers	0

I declare Nick Buckmaster elected.

Federal Assistant Secretary/Treasurer

<u>Candidates</u>	<u>Votes</u>
DAY, Stuart	9
COLLIGNON, Peter	3
POPE, David	3
Exhausted Votes	0
Loss/Gain by Fraction	0
Total votes	15
Formal ballot papers	15
Informal ballot papers	0

I declare Stuart Day elected.

Rhys Richards
Returning Officer
Australian Electoral Commission
17 December 2012

Australian Salaried Medical Officers Federation Stage-1 Scheduled Election ACT Branch

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2012/244

Australian Salaried Medical Officers Federation - ACT Branch - Stage 1

Branch President

Candidate

COLLIGNON, Peter

Branch Vice-President

No nomination was received

Branch Secretary

Candidate

HURWITZ, Mark

Branch Assistant Secretary/ Treasurer

Candidate

HALLAM, Lavinia Ann

Branch Councillors (2)

No nominations were received

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

Rhys Richards
Returning Officer

5 June 2012

Australian Salaried Medical Officers Federation Stage 2 - Federal Council Delegates

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2012/244

Australian Salaried Medical Officers Federation - ACT Branch Stage 2

Federal Council Delegates (2)

Candidates

COLLIGNON, Peter
HALLAM, Lavinia

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

Rhys Richards
Returning Officer
27 June 2012

Australian Salaried Medical Officers Federation Commonwealth Branch Officers & Council

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2012/244

Commonwealth Branch

Branch President

Candidate

HIBBINS, Guy

Branch Vice-President

No nomination was received

Branch Secretary

No nomination was received

Branch Assistant Secretary/Treasurer

No nomination was received

Branch Councillors (2)

Candidate

PAULSON, Therese

No further nomination was accepted

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

Rhys Richards
Returning Officer

5 June 2012

Australian Salaried Medical Officers Federation Commonwealth Branch

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2012/244

Commonwealth Branch Council

Federal Council Delegates (2)

Candidate

HIBBINS, Guy

No further nomination was accepted

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

Rhys Richards
Returning Officer

11 July 2012

**Australian Salaried Medical Officers Federation
Commonwealth Branch
Recall Election**

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2012/244

Commonwealth Branch Council

Federal Council Delegates

No nomination was received

Rhys Richards
Returning Officer

11 July 2012

Australian Salaried Medical Officers Federation NSW Branch Officers & Council

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2012/244

New South Wales Branch

Branch President

Candidate

SARA, Tony

Branch Vice-President

Candidate

ROSENFELD, David

Branch Secretary

Candidate

KARPLUS, Tom

Branch Assistant Secretary/Treasurer

No nomination was received

Branch Councillors (20)

Candidates

COLEBATCH, James Gordon

DIETZ, Hans Peter

GATT, Stephen

KATRAK, Pesi

LEADER, Leo

REWELL, Ian

TRAILL, Roger

No further nominations were accepted

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

Rhys Richards
Returning Officer
5 June 2012

Australian Salaried Medical Officers Federation NSW Branch

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2012/244

NSW Branch Council

Federal Council Delegates (5)

Candidates

COLEBATCH, James
GATT, Stephen
KARPLUS, Tom
ROSENFELD, David
SARA, Tony

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

Rhys Richards
Returning Officer

27 June 2012

Australian Salaried Medical Officers Federation 2012 Queensland Branch Collegiate Election

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2012/244

Branch Council

Delegates to Federal Council (2)

Candidates

BUCKMASTER, Nicholas David
KAMP, Maarten

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

Derek O'Beirne
Returning Officer

Australian Salaried Medical Officers Federation 2012 Queensland Branch Election

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2012/244

Queensland Branch

Branch President

Candidate

KAMP, Maarten Cornelis

Branch Vice-President

No nomination was received

Branch Secretary

Candidate

FINN, James

Branch Assistant Secretary/Treasurer

No nomination was received

Branch Councillor (3)

Candidates

BRYAN, Paul Robert
BUCKMASTER, Nicholas David
SWIFT, Annette

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

Derek O'Beirne
Returning Officer

Australian Salaried Medical Officers Federation SA Branch - Stage 1

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2012/219

South Australia Branch

Branch President

Candidate

POPE, David

Branch Vice-President

Candidate

VERCO, Christopher Johnson

Branch Secretary

Candidate

COOPER, Stephanie Janet

Branch Assistant Secretary/Treasurer

Candidate

FULLER, Mark

Branch Councillors (11)

Candidates

WILLINGTON, Laura

WHITE, Julian

HARLEY, Hugh

No further nominations were accepted

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

John Nemcic
Returning Officer

23 March 2012

Australian Salaried Medical Officers Federation Federal Council Delegates - Stage 2

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2012/E219 & 244

Branch Council

Federal Council Delegate (4)

Candidates

COOPER, Stephanie
FULLER, Mark
POPE, David
VERCO, Christopher J

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

John Nemcic
Returning Officer
31 August 2012

**Australian Salaried Medical Officers Federation
Tasmania Branch Elections 2012**

DECLARATION OF RESULTS FOR UNCONTESTED AND CONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2012/244

Tasmania

Total number of persons on the roll of voters	140
Ballot papers issued	140
Duplicate ballot papers issued	0
TOTAL BALLOT PAPERS ISSUED	140
Ballot papers / envelopes returned for scrutiny	46
Less ballot papers / envelopes rejected at preliminary scrutiny	0
Adjusting Balance	0
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	46
Percentage of ballot papers returned to number issued	32%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	94

Branch Councillor (2)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
GRABEK, Julian	12	0
MAHONEY, Adam	7	0
MESSENGER, Hayley	11	23
PEARCE, Garrard Desmond	13	23
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	43	46
Formal ballot papers	43	43
Informal ballot papers	3	3

I declare Hayley Messenger and Garrard Desmond Pearce elected.

Branch President

Candidate

DAY, Stuart

I declare Stuart Day elected.

Branch Vice President

Candidate

GREENAWAY, Timothy Moore

I declare Timothy Moore Greenaway elected.

Branch Secretary

Candidate

LUMSDEN-STEEL, Michael

I declare Michael Lumsden-steel elected.

Branch Assistant Secretary/Treasurer

Candidate

No nomination was received

No candidates elected.

Ngairé Edwards
Returning Officer
Australian Electoral Commission
10 July 2012

**Australian Salaried Medical Officers Federation
Federal Council Delegates 2012**

DECLARATION OF RESULTS FOR UNCONTESTED AND CONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2012/244

Branch Council (Stage 2)

Total number of persons on the roll of voters	5
Ballot papers issued	5
Duplicate ballot papers issued	0
TOTAL BALLOT PAPERS ISSUED	5
Ballot papers / envelopes returned for scrutiny	3
Less ballot papers / envelopes rejected at preliminary scrutiny	0
Adjusting Balance	0
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	3
Percentage of ballot papers returned to number issued	60%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	2

Federal Council Delegate (2)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
DAY, Stuart	2	3
LUMSDEN-STEEL, Michael	1	3
PEARCE, Garrard Desmond	0	0
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	3	6
Formal ballot papers	3	3
Informal ballot papers	0	0

I declare Stuart Day and Michael Lumsden-steel elected.

Ngairé Edwards
Returning Officer
Australian Electoral Commission
30 August 2012

Australian Salaried Medical Officers Federation

Victoria Branch - Stage 1

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2012/244

Victorian Branch

Branch President

Candidate

MCRAE, Roderick John

Branch Vice President

Candidate

KHAW, Pearly

Branch Secretary

Candidate

WALLER, Richard

Branch Assistant Secretary/Treasurer

Candidate

MOLONEY, John

Branch Councillor (14)

Candidates

LASOCKI, Arian
NUNN, Andrew
PARNIS, Stephen
WHITEHEAD, Allan
WILKS, Bernadette
YU, Xavier

No further nominations were received.

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

Phoebe Chamberlain
Returning Officer

31 May 2012

Australian Salaried Medical Officers Federation

Victoria Branch - Stage 2

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2012/244

Branch Council

Federal Council Delegate (4)

Candidates

MCRAE, Roderick John
MOLONEY, John
NUNN, Andrew Keith
PARNIS, Stephen James

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

Phoebe Chamberlain
Returning Officer

20 June 2012

Australian Salaried Medical Officers Federation Scheduled Election Part 1 E2012/244

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

Western Australia Branch

Branch President

Candidate

DOBB, Geoffrey

Branch Vice-President

Candidate

CIRILLO, Melita

Branch Secretary

Candidate

GEELHOED, Gary Cornelis

Branch Assistant Secretary/Treasurer

Candidate

JENKINS, Ian Richard

Branch Councillors (8)

Candidates

ANDERSON, James

BISHOP, Stephanie Louise

DUNCAN, Alan William

HOST, Casandra

MAOR, Dror

MCCOUBRIE, David

RYAN, Tony

No further nomination was accepted

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

Kim Nichols
Returning Officer

6 June 2012

**Australian Salaried Medical Officers Federation
Scheduled Election Part 2 E2012/244**

DECLARATION OF RESULTS FOR CONTESTED OFFICES

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.

Western Australia Branch

Total number of persons on the roll of voters	11
Ballot papers issued	11
Duplicate ballot papers issued	0
TOTAL BALLOT PAPERS ISSUED	11
Ballot papers / envelopes returned for scrutiny	5
Less ballot papers / envelopes rejected at Adjusting Balance	0 0
TOTAL BALLOT PAPERS ADMITTED TO	5
Percentage of ballot papers returned to	45%
Ballot papers returned as unclaimed mail	1
Ballot papers not returned	5

Federal Council Delegate (3)

<u>Candidates</u>	<u>Total Votes</u>
GEELHOED, Gary	0
HOST, Cassandra	2
RYAN, Anthony John	1
DOBB, Geoffrey	2
Total votes	5
Formal ballot papers	5
Informal ballot papers	0

I declare Geoffrey Dobb, Cassandra Host and Anthony John Ryan elected.

Kim Nichols
Returning Officer
Australian Electoral Commission



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: Australian Salaried Medical Officers Federation

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2012/244

RULES

Rules used for elections Rule ID: [132N:Incorporates alteration of 14/01/2011
[R2010/144]

Rules difficult to apply/interpret: None

Model Rule reference (if any):

ROLL OF VOTERS

Total number of voters on the roll See attachment

Number of apparent workplace addresses

Number of non-current addresses

Other Matters Nil

ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: None

ATTACHMENTS

Declarations of Contested & Uncontested Offices

Rhys Richards
Returning Officer
11 February 2013

CONSOLIDATED REPORT ON ROLL OF VOTERS

Australian Salaried Medical Officers Federation E2012/244

ROLL OF VOTERS National Officers		
<u>Total number of voters on the roll</u>	23	
<u>Number of apparent workplace addresses</u>		
<u>Number of non-current addresses</u>		
ROLL OF VOTERS Stage 2 – WA Federal Delegates		
<u>Total number of voters on the roll</u>	11	
<u>Number of apparent workplace addresses</u>		
<u>Number of non-current addresses</u>		
ROLL OF VOTERS Stage 1 - Tasmanian Branch Officers		
<u>Total number of voters on the roll</u>	140	
<u>Number of apparent workplace addresses</u>	26	18.5%
<u>Number of non-current addresses</u>	0	0%
ROLL OF VOTERS Stage 2 – Tasmanian Federal Delegates		
<u>Total number of voters on the roll</u>	5	
<u>Number of apparent workplace addresses</u>	1	20%
<u>Number of non-current addresses</u>	0	0%



FAIR WORK
AUSTRALIA

DECISION

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

Australian Salaried Medical Officers Federation
(E2012/244)

AILS A CARRUTHERS

MELBOURNE, 3 JULY 2012

Arrangement for conduct of election.

[1] On 15 March 2012 and 3 April 2012 the Australian Salaried Medical Officers Federation (ASMOF) lodged with Fair Work Australia prescribed information in relation to an election for various offices within the organisation and its branches.

[2] The prescribed information included the following offices in ASMOF's Queensland Branch:

Branch President
Branch Vice-President
Branch Secretary
Branch Assistant Secretary/Treasurer
Branch Councillors (3)
Federal Council Delegates (2)

[3] On 16 April 2012 I issued a decision¹ in relation to the prescribed information which had been lodged. In that decision I refused to make arrangements for an election for the Queensland Branch offices because I was not satisfied an election was due under the rules of the organisation.

[4] ASMOF sought permission to appeal my decision. On 19 June 2012 a Full Bench of Fair Work Australia granted permission to appeal, upheld the appeal and partially quashed my decision after finding that an election for the offices in the Queensland Branch was due under the rules of ASMOF². The Full Bench subsequently ordered³ that I make arrangements for the conduct of that election.

[5] In accordance with the order of the Full Bench, I am making arrangements for the conduct of the election for the abovenamed offices by the Australian Electoral Commission under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*.




DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA

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<Price code A, PR525819>

¹ [2012] FWAD 5604

² [2012]FWAFB 5216

³ PR525761



FAIR WORK
AUSTRALIA

ORDER

Fair Work Act 2009

s.604—Appeal of decision

Australian Salaried Medical Officers Federation
(C2012/3668)

JUSTICE ROSS, PRESIDENT
DEPUTY PRESIDENT SMITH
COMMISSIONER BLAIR

MELBOURNE, 29 JUNE 2012

Appeal - s.604 Fair Work Act

Fair Work Australia orders that the General Manager of Fair Work Australia, or her delegate, arrange for the conduct of elections in the Queensland Branch of the Australian Salaried Medical Officers Federation in accordance with s189(3) of the *Fair Work (Registered Organisations) Act 2009* (Cth), including arranging for the conduct of the election by the Australian Electoral Commission.

PRESIDENT

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<Price code A>



FAIR WORK
AUSTRALIA

DECISION

Fair Work Act 2009
s.604—Appeal of decision

Australian Salaried Medical Officers Federation
(C2012/3668)

JUSTICE ROSS, PRESIDENT
DEPUTY PRESIDENT SMITH
COMMISSIONER BLAIR

MELBOURNE, 19 JUNE 2012

Appeal - s.604 Fair Work Act - [2012] FWAD 2644 - s.189(3) Fair Work (Registered Organisations) Act 2009 - Reconstitution Scheme

[1] The following decision was given ex tempore at the conclusion of the appeal hearing.

[2] On 16 April 2012 the delegate of the General Manager of Fair work Australia, Ms Carruthers, issued a decision in which she declined a request by the Australian Salaried Medical Officers Federation (ASMOF) to make arrangements for the conduct of an election for offices in ASMOF's Queensland Branch. The delegate's decision was made pursuant to s189(3) of the *Fair Work (Registered Organisations) Act 2009* (the R.O Act).

[3] The present matter concerns an appeal by ASMOF against the delegate's decision of 16 April 2012. We accept that ASMOF is a 'person aggrieved' by the delegate's decision, within the meaning of s.604(1)(b) of the *Fair Work Act 2009* (the Act).

[4] The relevant facts may be briefly stated.

[5] By Order dated 15 March 2010 the Federal Court reconstituted ASMOF's Queensland Branch. The Reconstitution Scheme commenced on 23 March 2010. The facts and circumstances of the reconstitution are recounted in detail in the affidavit of Peter Somerville (the Somerville Affidavit) filed in the proceedings at first instance.

[6] The Reconstitution Scheme required ASMOF to take certain actions. The scheme envisaged the appointment of an interim Queensland Branch committee and provided for an 'inaugural election.' The inaugural election was to take place no later than 12 months after the Commencement Date, that is no later than 23 March 2011. For the reasons set out in the Somerville affidavit the inaugural election never took place. The delegate concluded that the failure to hold an inaugural election in accordance with the Reconstitution Scheme was fatal to ASMOF's request that an election be arranged in relation to various offices in the Queensland Branch. The gravamen of the decision subject to appeal is set out at paragraph [10]:

“...the Inaugural Election for the Reconstituted Branch did not occur as required by the Scheme. There is no express provision of the Act which regulates the holding of elections required under the provisions of scheme of reconstitution made under section 323 of the Act. To the extent that subsection 323(3) might be relevant I am unaware of any such direction in the present matter.

Nonetheless, given the framework of the Act and particularly Part 2 of Chapter 7, it seems to me that section 189 could be employed, *mutatis mutandis*, in relation to an election required to be held under a section 323 scheme. In that case, before arranging for the Australian Electoral Commission to conduct an election I would need to be satisfied that an election was required to be held under the terms of the scheme of reconstitution. I could not be so satisfied in the present circumstances, because the duty to hold the Inaugural Election for the Reconstituted Branch has passed.”

[7] An appeal under s.604 is an appeal by way of rehearing and the tribunal’s powers on appeal are only exercisable if there is error on the part of the primary decision maker.¹

[8] Section 189 of the R.O Act requires the General Manager to arrange for the conduct of an election once the ‘prescribed information’ has been lodged. Before arranging for the conduct of the election, the General Manager must be satisfied that an election is required to be held under the rules of the organisation.

[9] The relevant ASMOF Rule is Rule 64, it provides that a Branch Council is to be elected every three years by secret ballot.

[10] The appellant contends, among other things, that the delegate’s decision proceeds on a wrong premise, namely that the ‘inaugural election’ required by the Reconstitution Scheme was a prerequisite to the holding of the Branch elections in 2012 as required by the Rules. It is submitted that the delegate attributed a significance to the Reconstitution Scheme beyond what it could reasonably have been intended to achieve. We agree.

[11] As the appellant had lodged the ‘prescribed information’ the sole question for the delegate was whether an election was required to be held for the Queensland Branch under ASMOF’s Rules. The Reconstitution Scheme is only relevant in the event that there is any inconsistency between ASMOF’s Rules and the scheme. In such circumstances paragraph 3 of the scheme provides that the scheme prevails, to the extent of the inconsistency. Paragraph 9 of the Reconstitution Scheme is of particular relevance. It states:

“Inaugural Election for Reconstituted Branch

An election for the Queensland Branch Council is to be held as soon as practicable, but in any event, no later than 12 months after the Commencement Date.

9.1 The roll for the purposes of the election must be certified by the Interim Secretary.

9.2 The members of, and the officers of, the Branch Council elected in accordance with this clause shall continue to hold office until the next triennial elections of the Federation which are to occur in accordance with the rules, in 2012.”

[12] It is apparent that paragraph 9 of the Reconstitution Scheme was only intended to address the period prior to the next scheduled elections under the Rules, in 2012.

[13] ASMOF's non compliance with the terms of the Reconstitution Scheme may be the subject of separate penalty proceedings, but that non compliance does not prevent the 2012 elections taking place in accordance with the Rules. There is nothing in the Reconstitution Scheme which is inconsistent with the requirement that the 2012 election cycle take place in accordance with the Rules. Indeed the scheme is predicated upon those elections taking place. The purpose of paragraph 9 of the scheme was to ensure that an election for the Queensland Branch Council be held 'as soon as practicable.' Arranging for the conduct of the 2012 triennial elections is entirely consistent with that purpose and with the objects of the R.O Act (especially the object set out in s5(3)(d), namely, to provide for the democratic functioning and control of organisation).

[14] We are satisfied that the delegate erred in concluding that the failure to hold inaugural elections in accordance with paragraph 9 of the Reconstitution Scheme created a barrier to the conduct of the 2012 elections in accordance with the Rules.

[15] We have decided to grant permission to appeal and to uphold the appeal. We will make an order directing the delegate to arrange for the conduct of the elections in the ASMOF Queensland Branch in accordance with s189(3) of the R.O Act. The appellant is to submit a draft order within 7 days.

PRESIDENT

Appearances:

J Nolan of counsel on behalf of the Australian Salaried Medical Officers Federation

Hearing details:

Melbourne.

2012.

June 19.

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<Price code A, PR525339>

¹ This is so because on appeal FWA has power to receive further evidence, pursuant to s.607(2); see *Coal and Allied v AIRC* (2000) 203 CLR 194 at [17] per Gleeson, Gaudron and Hayne JJ.

ELLIOTT, Mark

From: ELLIOTT, Mark
Sent: Tuesday, 3 July 2012 11:06 AM
To: 'Peter Somerville'
Subject: E2012/244 - ASMOF QLD Branch Elections
Attachments: E2012_244_decision_2_.pdf

Good morning Peter,

The Delegate of Fair Work Australia's General Manager has today issued a decision in the abovementioned matter.

Any queries in relation of the election should be directed to the Australian Electoral Commission who can be contacted on (07) 3834 3406.

Regards,

MARK ELLIOTT

Organisations, Research and Advice

Fair Work Australia

Tel: 03 8661 7811

Fax: 03 9655 0410

mark.elliott@fwa.gov.au

11 Exhibition Street, Melbourne Victoria 3000

GPO Box 1994, Melbourne Victoria 3001

www.fwa.gov.au

ELLIOTT, Mark

From: ELLIOTT, Mark
Sent: Tuesday, 3 July 2012 11:11 AM
To: 'industrial.elections@aec.gov.au'
Subject: E2012/244 ASMOF Qld Branch
Attachments: E2012_244_decision_2_.pdf; 2012 FWAFB 5216.pdf; PR925761.pdf; ASMOF - 132N (14 Jan 2011).doc

Good morning,

The Delegate of Fair Work Australia's General Manager issued a decision in the abovementioned matter today.

A copy of that decision is attached as are copies of the decision of and order of the FWA Full Bench which gave rise to the Delegate's decision.

In addition, a copy of the ASMOF rules are attached. No alterations to those rules are pending.

Regards,

MARK ELLIOTT

Organisations, Research and Advice

Fair Work Australia

Tel: 03 8661 7811

Fax: 03 9655 0410

mark.elliott@fwa.gov.au

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GPO Box 1994, Melbourne Victoria 3001

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DECISION

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

Australian Salaried Medical Officers Federation
(E2012/244)

AILSA CARRUTHERS

MELBOURNE, 16 APRIL 2012

Arrangement for conduct of election.

[1] On 15 March 2012 the Australian Salaried Medical Officers Federation (ASMOF) lodged with Fair Work Australia prescribed information in relation to an election for various offices within the organisation and its branches, including offices in the Queensland Branch.

[2] On 29 March 2012 membership numbers for the Branches were provided.

[3] On 3 April 2012 amending prescribed information was lodged under the signature of the organisation's Federal Secretary. The request for an election to be conducted for branch offices in the South Australian Branch was withdrawn, because prescribed information for an election for those offices had previously been lodgedⁱ and arrangements for the conduct of that election madeⁱⁱ.

[4] I am satisfied that an election is required to be held under the rules of the organisation for the following offices:

Federal President
Federal Vice-President
Federal Secretary
Federal Assistant Secretary/Treasurer
Additional Member(s) of Federal Executive (number to be determined)

Australian Capital Territory Branch

Branch President
Branch Vice-President
Branch Secretary
Branch Assistant Secretary/Treasurer
Branch Councillors (2)
Federal Council Delegates (2)

Commonwealth Branch

Branch President	
Branch Vice-President	
Branch Secretary	
Branch Assistant Secretary/Treasurer	
Branch Councillors	(2)
Federal Council Delegates	(2)

New South Wales Branch

Branch President	
Branch Vice-President	
Branch Secretary	
Branch Assistant Secretary/Treasurer	
Branch Councillors	(20)
Federal Council Delegates	(5)

South Australia Branch

Federal Council Delegates	(4)
---------------------------	-----

Tasmania Branch

Branch President	
Branch Vice-President	
Branch Secretary	
Branch Assistant Secretary/Treasurer	
Branch Councillors	(2)
Federal Council Delegates	(2)

Victoria Branch

Branch President	
Branch Vice-President	
Branch Secretary	
Branch Assistant Secretary/Treasurer	
Branch Councillors	(14)
Federal Council Delegates	(4)

Western Australia Branch

Branch President	
Branch Vice-President	
Branch Secretary	
Branch Assistant Secretary/Treasurer	
Branch Councillors	(8)
Federal Council Delegates	(3)

[5] Under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009* (the Act), I am making arrangements for the conduct of the election for the abovementioned offices by the Australian Electoral Commission.

[6] The organisation's election request, so far as it pertains to offices of the Queensland Branch, requires further consideration.

[7] On 8 November 2011, solicitors acting for the organisation wrote to the then Acting General Manager of Fair Work Australia.

[8] That correspondence advised, inter alia, that:

- by order of the Federal Court of Australia dated 23 March 2010 (the Order), the Queensland Branch became the subject of a reconstitution scheme (the Scheme),
- the terms of the reconstitution scheme required, amongst other things, for an election of the Branch Council of the Queensland Branch within 12 months of the date the order was entered into,
- the election did not take as required by the Scheme,
- an Interim Committee holds office pursuant to clause 7.1 and 9 of the Scheme and will continue to do so until such a time as the inaugural election occurs and the Branch Council takes office, and
- ASMOF intends to seek a variation to the terms of the Order in the Federal Court of Australia or an alternative order which would allow for the inaugural election of the Queensland Branch to occur at the same time as the triennial elections of ASMOF which are due in early 2012.

[9] The correspondence went on to request, under section 13 of the Act, that Fair Work Australia advise its position in relation to the course of action proposed on the final dot point above.

[10] On 9 December 2011 the Delegate responded to the request for advice as follows:

I have examined the order which his Honour, Justice Dowsett made on 15 March 2010 in QUD311/2009. I understand that his Honour made the order under section 323 of the Act.

The order contains a Reconstitution Scheme (the Scheme). The Scheme relevantly appoints persons to office as an Interim Committee member, an Interim Office Bearer, or an interim delegate to Federal Council, until the Election Day. The Election Day is the day on which persons elected in the Inaugural Election for the Reconstituted Branch take office. The Inaugural Election for the Reconstituted Branch had to occur no later than 12 months after the Commencement Date. The Scheme provides no other way that successors to the interim officers can be elected to office.

By both its terms and section 323 of the Act, the Scheme has effect in spite of anything in the rules of the Queensland Branch.

As noted above, the Inaugural Election for the Reconstituted Branch did not occur as required by the Scheme.

There is no express provision of the Act which regulates the holding of elections required under the provisions of scheme of reconstitution made under section 323 of the Act. To the extent that subsection 323(3) might be relevant I am unaware of any such direction in the present matter.

Nonetheless, given the framework of the Act and particularly Part 2 of Chapter 7, it seems to me that section 189 could be employed, mutatis mutandis, in relation to an election required to be held under a section 323 scheme. In that case, before arranging for the Australian Electoral Commission to conduct an election I would need to be satisfied that an election was required to be held under the terms of the scheme of reconstitution. I could not be so satisfied in the present circumstances, because the duty to hold the Inaugural Election for the Reconstituted Branch has passed.

Therefore, before an election in the Branch is able to be held the Scheme will need to be amended or an alternative scheme put in place.

[11] I agree with the Delegate's reasoning above and adopt it.

[12] So far as I am aware, the Order has not been varied in the Federal Court to date.

[13] Given that the Inaugural Election for the Reconstituted Branch has not occurred as required by the Scheme, I am of the view that the Scheme will need to be amended or an alternative scheme put in place before an election can be held in the Queensland Branch. In the circumstances I cannot make arrangements for the conduct of an election for branch offices in the Queensland Branch, or Federal Council Delegates from that Branch, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, in the terms sought by organisation.



DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA

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ⁱ E2012/219 refers.

ⁱⁱ [\[2012\] FWAD 1124](#); 8 February 2012

ELLIOTT, Mark

From: ELLIOTT, Mark
Sent: Monday, 16 April 2012 5:12 PM
To: 'Peter Somerville'
Subject: ASMOF Election decision - E2012/244
Attachments: E2012_244decision.pdf

Good afternoon Peter,

The Delegate of Fair Work Australia's General Manager issued a decision in the abovementioned matter today.

A copy of that decision is attached.

Any enquiries in relation to the conduct of the election should be directed to the Australian Electoral Commission. Contact details for the AEC may be found [here](#).

Kind regards,

MARK ELLIOTT

Organisations, Research and Advice

Fair Work Australia

Tel: 03 8661 7811

Fax: 03 9655 0410

mark.elliott@fwa.gov.au

11 Exhibition Street, Melbourne Victoria 3000
GPO Box 1994, Melbourne Victoria 3001

www.fwa.gov.au

ELLIOTT, Mark

From: ELLIOTT, Mark
Sent: Monday, 16 April 2012 5:17 PM
To: 'industrial.elections@aec.gov.au'
Subject: ASMOF Election decision - E2012/244
Attachments: E2012_244decision.pdf; ASMOF - 132N (14 Jan 2011).doc

The Delegate of Fair Work Australia's General Manager issued a decision in the abovementioned matter today.

A copy of that decision is attached as is a copy of the current rules of the organisation. No alterations to the rules are pending.

Kind regards,

MARK ELLIOTT

Organisations, Research and Advice

Fair Work Australia

Tel: 03 8661 7811

Fax: 03 9655 0410

mark.elliott@fwa.gov.au

11 Exhibition Street, Melbourne Victoria 3000

GPO Box 1994, Melbourne Victoria 3001

www.fwa.gov.au

ELLIOTT, Mark

From: ELLIOTT, Mark
Sent: Tuesday, 3 April 2012 10:55 AM
To: 'industrial.elections@aec.gov.au'
Subject: E2012/244 - ASMOF
Attachments: FWA_0001-1.pdf; ASMOF Election Information

Please find attached two documents pertaining to the abovementioned matter.

The first (the pdf file) amends the prescribed information previously lodged so far as that PI concerns the South Australian Branch.

The second (the msg file) contains membership figures for the branches of the ASMOF at 31 January 2012.

Kind regards,

MARK ELLIOTT

Organisations, Research and Advice

Fair Work Australia

Tel: 03 8661 7811

Fax: 03 9655 0410

mark.elliott@fwa.gov.au

11 Exhibition Street, Melbourne Victoria 3000
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Australian Salaried Medical Officers'
Federation

The General Manager
Tribunal Services and Organisations
Fair Work Australia
GPO Box 1994
Melbourne VIC 3001

3 April 2012

Attn: Mark Elliott

By email: Mark.Elliott@fwa.gov.au

ELECTION FOR OFFICE IN THE AUSTRALIAN SALARIED MEDICAL OFFICERS' FEDERATION

I refer to my recent correspondence and the prescribed information contained therein in relation to an election for offices in the Australian Salaried Medical Officers' Federation ('ASMOF'). It has been brought to my attention that certain prescribed information in relation to an election for the South Australian branch of ASMOF was lodged prior to my correspondence and a decision made that an election was due for that branch.

In these circumstances, I wish to amend the prescribed information I previously provided by deleting my request for an election for the following offices in the South Australian Branch of ASMOF:

- Branch President
- Branch Vice-President
- Branch Secretary
- Branch Assistant Secretary/treasurer
- Branch Councillors.

If you require further information, please contact Peter Somerville at the ASMOF office.

Yours sincerely

Peter Collignon
ASMOF Secretary

Level 3 Suite 46 330 Wattle Street Ultimo New South Wales 2007

Locked Mail Bag No 13 Glebe New South Wales 2037

Telephone: (02) 9212 6900 Facsimile: (02) 9212 6911 email: asmof@asmof.org.au

ELLIOTT, Mark

From: Jenny Wilson [jennyw@asmof.org.au]
Sent: Tuesday, 3 April 2012 10:02 AM
To: ELLIOTT, Mark
Cc: Peter Somerville; Peter Somerville
Subject: Elections for Office in the Australian Salaried Medical Officers Federation
Attachments: FWA_0001-1.pdf

Dear Mr Elliott,

Attached is a letter from ASMOF Secretary.

Regards

Jenny Wilson
Australian Salaried Medical Officers' Federation (NSW)
Administrative Manager
T: (02) 9212 6900
E: jennyw@asmof.org.au
F: (02) 9212 6911
Mail: Locked Mail Bag 13
Glebe NSW 2037

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ELLIOTT, Mark

From: ELLIOTT, Mark
Sent: Thursday, 29 March 2012 5:32 PM
To: 'Peter Somerville'
Subject: RE: ASMOF Election Information
Attachments: 20120131_163215_00182.tif; E2012-219-SA Br.pdf

Good afternoon Peter,

I have just been doing the final checks for your election and have discovered that the SA Branch beat you to the punch. I am not sure how we missed this the first time round.

On 31 January 2012, SA Branch Secretary Dr Mark Fuller lodged prescribed information in relation to various SA Branch offices (E2012/219 refers - copy attached). The Dr Fuller's PI contained most of the Branch offices which subsequently appeared in your nationwide prescribed information of March 2012, so far as the latter PI concerned the South Australian Branch

On 8 February 2012, the Delegate of Fair Work Australia's General Manager issued a decision in E2012/219. That decision made arrangements for the Australian Electoral Commission to conduct an election in relation to the offices named in Dr Fuller's prescribed information ([2012] FWAD 1124 refers – copy attached).

I have confirmed that nominations have been opened and closed in that E2012/219. Sufficient valid nominations were received for offices other Branch Councillor (for which some, albeit insufficient, nominations were received).

I am therefore requesting that you provide amending prescribed information. The substance of the amendment would be to withdraw your request for the following offices:

South Australia Branch

Branch President
Branch Vice-President
Branch Secretary
Branch Assistant Secretary/Treasurer
Branch Councillors

I am not requesting the withdraw of the request for the office of Federal Council Delegate from the South Australian Branch, because that office was not included in Dr Fuller's prescribed information.

Please contact me should you wish to discuss. We will get over the line, one day.

MARK ELLIOTT

Organisations, Research and Advice

Fair Work Australia

Tel: 03 8661 7811

Fax: 03 9655 0410

mark.elliott@fwa.gov.au

11 Exhibition Street, Melbourne Victoria 3000

GPO Box 1994, Melbourne Victoria 3001

www.fwa.gov.au

From: Peter Somerville [<mailto:peters@asmof.org.au>]
Sent: Thursday, 29 March 2012 11:25 AM
To: ELLIOTT, Mark

Cc: Jenny Wilson

Subject: ASMOF Election Information

Hi Mark

Thanks for your email yesterday, the number of members of the respective ASMOF Branches as at 31 January 2012 was, on information sourced from the branches:

ACT 182
Cth 128
NSW 1921
Qld 270
SA 1112
Tas 114
Vic 1335
WA 794

If there's any further information you require please let Jenny or me know.

Best wishes

Peter

ELLIOTT, Mark

From: Peter Somerville [peters@asmof.org.au]
Sent: Thursday, 29 March 2012 11:25 AM
To: ELLIOTT, Mark
Cc: Jenny Wilson
Subject: ASMOF Election Information

Hi Mark

Thanks for your email yesterday, the number of members of the respective ASMOF Branches as at 31 January 2012 was, on information sourced from the branches:

ACT 182
Cth 128
NSW 1921
Qld 270
SA 1112
Tas 114
Vic 1335
WA 794

If there's any further information you require please let Jenny or me know.

Best wishes

Peter

ELLIOTT, Mark

From: ELLIOTT, Mark
Sent: Wednesday, 28 March 2012 3:14 PM
To: 'jennyw@asmof.org.au'
Cc: 'PeterS@alaea.asn.au'
Subject: FW: ASMOF Elections 2012
Attachments: ASMOF Elections 2012.pdf

Good afternoon Jenny,

I refer to your email below and the prescribed election information which was attached. I refer particularly to Branch Councillor and Federal Council Delegate entitlements, for various Branches of the Australian Salaried Medical Officers' Federation, which are set out in paragraph "(c) Multiple offices".

As the prescribed information notes, a Branch is entitled to Branch Councillors or Delegates to Federal Council on the basis of the number of members which it has on 31 January in the election year (Rules 48 and 19 of the [ASMOF Rules](#) refer).

Section [189](#) of the *Fair Work (Registered Organisations) Act 2009* requires the Delegate of Fair Work Australia's General Manager to be satisfied "that an election is required to be held under the rules of the organisation". In order to be satisfied that the prescribed information correctly sets out each Branch's entitlement to Branch Councillors and Federal Council Delegates, could you please forward each Branch's membership numbers at 31 January 2012.

An election decision should issue shortly after receipt of those membership numbers.

Please contact me by return email or by telephone on 03 8661 7811 if you wish to discuss this matter.

Kind regards,

MARK ELLIOTT

Organisations, Research and Advice

Fair Work Australia

Tel: 03 8661 7811

Fax: 03 9655 0410

mark.elliott@fwa.gov.au

11 Exhibition Street, Melbourne Victoria 3000

GPO Box 1994, Melbourne Victoria 3001

www.fwa.gov.au

From: Jenny Wilson [<mailto:jennyw@asmof.org.au>]
Sent: Thursday, 15 March 2012 10:53 AM
To: ELLIOTT, Mark
Cc: Dennis Ravlich; Peter Somerville; Peter Somerville
Subject: ASMOF Elections 2012

Dear Mr Elliott,

Attached is a letter regarding Election for Offices in the Australian Salaried Medical Officers' Federation.

Kind Regards

Jenny Wilson

Australian Salaried Medical Officers' Federation (NSW)

Administrative Manager

T: (02) 9212 6900

E: jennyw@asmof.org.au

F: (02) 9212 6911

Mail: Locked Mail Bag 13

Glebe NSW 2037

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ELLIOTT, Mark

From: ELLIOTT, Mark
Sent: Friday, 16 March 2012 4:06 PM
To: 'industrial.elections@aec.gov.au'
Subject: PI; E2012/244; ASMOF
Attachments: ASMOF Elections 2012.pdf

Please find attached prescribed information in the abovementioned matter.

MARK ELLIOTT

Organisations, Research and Advice

Fair Work Australia

Tel: 03 8661 7811

Fax: 03 9655 0410

mark.elliott@fwa.gov.au

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Australian Salaried Medical Officers'
Federation

The General Manager
Tribunal Services and Organisations
Fair Work Australia
GPO Box 1994
Melbourne VIC 3001

15 March 2012

Att: Mark Elliott

By email: Mark.Elliott@fwa.gov.au

ELECTION FOR OFFICES IN THE AUSTRALIAN SALARIED MEDICAL OFFICERS' FEDERATION

Pursuant to sections 189 and 182 of the *Fair Work (Registered Organisations) Act, 2009* I request the General manager arrange for an election to be held for certain offices of the Australian Salaried Medical Officers' Federation ('the Federation'). Consequently, I provide the following prescribed information:

Fair Work (Registered Organisations) Regulation, 2009, Regulation 138(1):

(a) *Name of Each Office or Position for which an election is required:*

Branch President, Branch Vice-President, Branch Secretary, Branch Assistant Secretary/Treasurer, Branch Councillor, Delegate to Federal Council, Federal President, Federal Vice-President, Federal Secretary, Federal Assistant Secretary/Treasurer, Additional Member of Federal Executive.

(b) *Reasons for Election*

The term of the offices is due to expire in the normal course of events.

(c) *Multiple Offices*

Branch Councils

One of each of Branch President, Branch Vice-President, Branch Secretary, Branch Assistant Secretary/Treasurer for the following branches of the Federation:

- Australian Capital Territory
- Commonwealth
- New South Wales
- Queensland
- South Australia

- Tasmania
- Victoria
- Western Australia

(Rules 64 and 48 of the ASMOF Rules).

The number of Branch Councillors to be elected for each of the branches of the Federation set out immediately above will be determined in accordance with Rules 64 and 48 of the ASMOF Rules. The number of Branch Councillors for each branch in the 2012 elections will be:

- Australian Capital Territory - 2
- Commonwealth - 2
- New South Wales - 20
- Queensland - 3
- South Australia - 12
- Tasmania - 2
- Victoria - 14
- Western Australia - 8

Delegates to Federal Council

The number of Delegates to Federal Council will be determined in accordance with Rules 65 and 19 of the ASMOF Rules. The number of Delegates to Federal Council for each branch in the 2012 elections will be:

- Australian Capital Territory - 2
- Commonwealth - 2
- New South Wales - 5
- Queensland - 2
- South Australia - 4
- Tasmania - 2
- Victoria - 4
- Western Australia - 3

Additional Members of Federal Executive.

The number of Additional Members of Federal Executive will be determined in accordance with Rules 66 and 20 of the ASMOF Rules.

(d) The Electorate

- ***Branch Councils*** – all financial members of the relevant branch (Rule 64(6) of the ASMOF Rules).
- ***Delegates to Federal Council*** – branch council members for the relevant branch (Rule 65(1)(e) of the ASMOF Rules).
- ***Officers of the Federation and Additional Members of Federal***

Executive – delegates to Federal Council (Rule 66 (1)(f) of the ASMOF Rules).

(e) Nominations Open

Subject to any variation by a returning officer:

- **Branch Councils** – the commencement date of the nomination period for candidates to nominate for offices on branch councils will be 1 March 2012 and the closing date for such nominations will be 22 March 2012 (Rule 64 of the ASMOF Rules).
- **Federal Council** – the commencement and closing dates of the nomination period for candidates to nominate as a delegate to Federal Council will be determined by the relevant branch returning officer (Rule 65 of the ASMOF Rules).
- **Officers of the Federation and Additional Members of Federal Executive** – the commencement and closing dates of the nomination period for candidates to nominate as an officer of the Federation or additional member of Federal Executive will be determined by the Federal Returning Officer (Rule 65 of the ASMOF Rules).

(f) Closing date for roll of voters

The roll of voters for any ballot is to be closed on the seventh day before the day on which nominations for the election open (Rule 63A of the ASMOF Rules).

(g) The kind of voting system to be used

- **Branch Councils** – a direct, preferential voting system (Rule 64 of the ASMOF Rules).
- **Federal Council** – a collegiate system (Rule 65 of the ASMOF Rules).
- **Officers of the Federation and Additional Members of Federal Executive** – a collegiate system (Rule 66 of the ASMOF Rules).

The information contained in this application is lodged in accordance with subsection 189(1) of the Fair Work (Registered Organisations) Act, 2009. I am authorised by the ASMOF Rules to make this statement.

Yours faithfully



Peter Collignon
Federal Secretary