



Federal Court of Australia

District Registry: Victoria

Division: Fair Work

No: VID355/2018

In the matter of an Inquiry into the Election for Offices in the Australian Salaried Medical Officers Federation

ANTHONY SARA

Applicant

ORDER

JUDGE: JUSTICE STEWARD

DATE OF ORDER: 05 June 2018

WHERE MADE: Melbourne

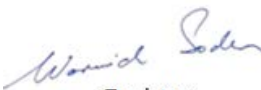
THE COURT DECLARES THAT:

1. Pursuant to s 206(4)(a) of the *Fair Work (Registered Organisations) Act 2009* (Cth), in relation to election number 2017/261 (the “Election”),
 - a. all steps already taken in relation to the Election, including any offices declared; and
 - b. the Election itself,are void.

THE COURT ORDERS THAT:

2. Pursuant to s 206(4)(d) of the *Fair Work (Registered Organisations) Act 2009* (Cth), and subject to Order 3 below, the Electoral Commissioner of the Australian Electoral Commission is to take no further step in the Election.
3. Pursuant to s 206(4)(d) of the *Fair Work (Registered Organisations) Act 2009* (Cth), within three business days of this order:
 - a. the Australian Salaried Medical Officers Federation is to publish these orders on its website; and
 - b. the Electoral Commissioner is to notify the nominees in the Election of these orders.

Date that entry is stamped: 5 June 2018


Registrar



Schedule

No: VID355/2018

Federal Court of Australia
District Registry: Victoria
Division: Fair Work

Interested Person AUSTRALIAN ELECTORAL COMMISSION



DECISION

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

Australian Salaried Medical Officers Federation (E2017/261)

MR ENRIGHT

MELBOURNE, 23 JANUARY 2018

Arrangement for conduct of election.

[1] On 14 December 2017 the Australian Salaried Medical Officers Federation lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Federal President	(1)
Federal Vice-President	(1)
Federal Secretary	(1)
Federal Assistant Secretary/Treasurer	(1)
Other Federal Council Members (number to be determined in accordance with rule 20(2))	

Australian Capital Territory Branch

Branch President	(1)
Branch Vice-President	(1)
Branch Secretary	(1)
Branch Assistant Secretary/Treasurer	(1)
Branch Councillors (number to be determined in accordance with rule 48(1))	
Federal Council Delegates (number to be determined in accordance with rule 19(1))	

New South Wales Branch

Branch President	(1)
Branch Vice-President	(1)
Branch Secretary	(1)
Branch Assistant Secretary/Treasurer	(1)
Branch Councillors (number to be determined in accordance with rule 48(1))	

Federal Council Delegates (number to be determined in accordance with rule 19(1))

Northern Territory Branch

Branch President	(1)
Branch Vice-President	(1)
Branch Secretary	(1)
Branch Assistant Secretary/Treasurer	(1)
Branch Councillor (number to be determined in accordance with rule 48(1))	
Federal Council Delegates (number to be determined in accordance with rule 19(1))	

Queensland Branch

Branch President	(1)
Branch Vice-President	(1)
Branch Secretary	(1)
Branch Assistant Secretary/Treasurer	(1)
Branch Councillors (number to be determined in accordance with rule 48(1))	
Federal Council Delegates (number to be determined in accordance with rule 19(1))	

South Australia Branch

Branch President	(1)
Branch Vice-President	(1)
Branch Secretary	(1)
Branch Assistant Secretary/Treasurer	(1)
Branch Councillors (number to be determined in accordance with rule 48(1))	
Federal Council Delegates (number to be determined in accordance with rule 19(1))	

Tasmania Branch

Branch President	(1)
Branch Vice-President	(1)
Branch Secretary	(1)
Branch Assistant Secretary/Treasurer	(1)
Branch Councillors (number to be determined in accordance with rule 48(1))	
Federal Council Delegates (number to be determined in accordance with rule 19(1))	

Victoria Branch

Branch President	(1)
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Branch Vice-President	(1)
Branch Secretary	(1)
Branch Assistant Secretary/Treasurer	(1)
Branch Councillors (number to be determined in accordance with rule 48(1))	
Federal Council Delegates (number to be determined in accordance with rule 19(1))	

Western Australia Branch

Branch President	(1)
Branch Vice-President	(1)
Branch Secretary	(1)
Branch Assistant Secretary/Treasurer	(1)
Branch Councillors (number to be determined in accordance with rule 48(1))	
Federal Council Delegates (number to be determined in accordance with rule 19(1))	

[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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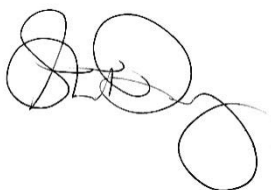
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PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009*

I, Dr Stuart DAY, being the Federal Secretary of the Australian Salaried Medical Officers Federation, make the following statement:

1. I am authorised to sign this statement containing prescribed information for Queensland Branch, New South Wales Branch, Australian Capital Territory Branch, Victoria Branch, Tasmania Branch, South Australia Branch, Western Australia Branch, Northern Territory Branch and the Federation.
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. This statement **IS** lodged at least 2 months before nominations open for the election below.

Signed:



Dr Stuart DAY

Federal Secretary

Dated: 14 December 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.]

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
Federal	Federal President	1	Collegiate	Scheduled	Federal Council Delegates (rule 66(1))
	Federal Vice-President	1	Collegiate	Scheduled	Federal Council Delegates (rule 66(1))
	Federal Secretary	1	Collegiate	Scheduled	Federal Council Delegates (rule 66(1))
	Federal Assistant Secretary/Treasurer	1	Collegiate	Scheduled	Federal Council Delegates (rule 66(1))
	Federal Executive Member	4	Collegiate	Scheduled	Federal Council Delegates (rule 66(1))
Queensland	Branch President	1	DVS	Scheduled	All financial members of Queensland Branch (rule 64(6))
	Branch Vice-President	1	DVS	Scheduled	All financial members of Queensland Branch (rule 64(6))
	Branch Secretary	1	DVS	Scheduled	All financial members of Queensland Branch (rule 64(6))
	Branch Assistant Secretary/Treasurer	1	DVS	Scheduled	All financial members of Queensland Branch (rule 64(6))
	Branch Councillor	To be determined in accordance with rule 48(1)	DVS	Scheduled	All financial members of Queensland Branch (rule 64(6))
	Federal Council Delegate	To be determined in accordance with rule 19(1)	Collegiate	Scheduled	All Queensland Branch Council members (rule 65(1)(e))
New South Wales	Branch President	1	DVS	Scheduled	All financial members of New South Wales Branch (rule 64(6))
	Branch Vice-President	1	DVS	Scheduled	All financial members of New South Wales Branch (rule 64(6))

	Branch Secretary	1	DVS	Scheduled	All financial members of New South Wales Branch (rule 64(6))
	Branch Assistant Secretary/Treasurer	1	DVS	Scheduled	All financial members of New South Wales Branch (rule 64(6))
	Branch Councillor	To be determined in accordance with rule 48(1)	DVS	Scheduled	All financial members of New South Wales Branch (rule 64(6))
	Federal Council Delegate	To be determined in accordance with rule 19(1)	Collegiate	Scheduled	All New South Wales Branch Council members (rule 65(1)(e))
Australian Capital Territory	Branch President	1	DVS	Scheduled	All financial members of Australian Capital Territory Branch (rule 64(6))
	Branch Vice-President	1	DVS	Scheduled	All financial members of Australian Capital Territory Branch (rule 64(6))
	Branch Secretary	1	DVS	Scheduled	All financial members of Australian Capital Territory Branch (rule 64(6))
	Branch Assistant Secretary/Treasurer	1	DVS	Scheduled	All financial members of Australian Capital Territory Branch (rule 64(6))
	Branch Councillor	To be determined in accordance with rule 48(1)	DVS	Scheduled	All financial members of Australian Capital Territory Branch (rule 64(6))
	Federal Council Delegate	To be determined in accordance with rule 19(1)	Collegiate	Scheduled	All Australian Capital Territory Branch Council members (rule 65(1)(e))
Victoria	Branch President	1	DVS	Scheduled	All financial members of Victoria Branch (rule 64(6))
	Branch Vice-President	1	DVS	Scheduled	All financial members of Victoria Branch (rule 64(6))

	Branch Secretary	1	DVS	Scheduled	All financial members of Victoria Branch (rule 64(6))
	Branch Assistant Secretary/Treasurer	1	DVS	Scheduled	All financial members of Victoria Branch (rule 64(6))
	Branch Councillor	To be determined in accordance with rule 48(1)	DVS	Scheduled	All financial members of Victoria Branch (rule 64(6))
	Federal Council Delegate	To be determined in accordance with rule 19(1)	Collegiate	Scheduled	All Victoria Branch Council members (rule 65(1)(e))
Tasmania	Branch President	1	DVS	Scheduled	All financial members of Tasmania Branch (rule 64(6))
	Branch Vice-President	1	DVS	Scheduled	All financial members of Tasmania Branch (rule 64(6))
	Branch Secretary	1	DVS	Scheduled	All financial members of Tasmania Branch (rule 64(6))
	Branch Assistant Secretary/Treasurer	1	DVS	Scheduled	All financial members of Tasmania Branch (rule 64(6))
	Branch Councillor	To be determined in accordance with rule 48(1)	DVS	Scheduled	All financial members of Tasmania Branch (rule 64(6))
	Federal Council Delegate	To be determined in accordance with rule 19(1)	Collegiate	Scheduled	All Tasmania Branch Council members (rule 65(1)(e))
South Australia	Branch President	1	DVS	Scheduled	All financial members of South Australia Branch (rule 64(6))
	Branch Vice-President	1	DVS	Scheduled	All financial members of South Australia Branch (rule 64(6))
	Branch Secretary	1	DVS	Scheduled	All financial members of South

					Australia Branch (rule 64(6))
	Branch Assistant Secretary/Treasurer	1	DVS	Scheduled	All financial members of South Australia Branch (rule 64(6))
	Branch Councillor	To be determined in accordance with rule 48(1)	DVS	Scheduled	All financial members of South Australia Branch (rule 64(6))
	Federal Council Delegate	To be determined in accordance with rule 19(1)	Collegiate	Scheduled	All South Australia Branch Council members (rule 65(1)(e))
Western Australia	Branch President	1	DVS	Scheduled	All financial members of Western Australia Branch (rule 64(6))
	Branch Vice-President	1	DVS	Scheduled	All financial members of Western Australia Branch (rule 64(6))
	Branch Secretary	1	DVS	Scheduled	All financial members of Western Australia Branch (rule 64(6))
	Branch Assistant Secretary/Treasurer	1	DVS	Scheduled	All financial members of Western Australia Branch (rule 64(6))
	Branch Councillor	To be determined in accordance with rule 48(1)	DVS	Scheduled	All financial members of Western Australia Branch (rule 64(6))
	Federal Council Delegate	To be determined in accordance with rule 19(1)	Collegiate	Scheduled	All Western Australia Branch Council members (rule 65(1)(e))
Northern Territory	Branch President	1	DVS	Scheduled	All financial members of Northern Territory Branch (rule 64(6))
	Branch Vice-President	1	DVS	Scheduled	All financial members of Northern Territory Branch (rule 64(6))
	Branch Secretary	1	DVS	Scheduled	All financial members of Northern Territory Branch (rule 64(6))

	Branch Assistant Secretary/Treasurer	1	DVS	Scheduled	All financial members of Northern Territory Branch (rule 64(6))
	Branch Councillor	To be determined in accordance with rule 48(1)	DVS	Scheduled	All financial members of Northern Territory Branch (rule 64(6))
	Federal Council Delegate	To be determined in accordance with rule 19(1)	Collegiate	Scheduled	All Northern Territory Branch Council members (rule 65(1)(e))

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	1 March 2018 (rule 64(1))	To be determined by the returning officer (rules 65 and 66)
Nominations CLOSE	22 March 2018 (rule 64(1))	To be determined by the returning officer (rules 65 and 66)
Roll of Voters cut off date	7 days prior to nominations opening (rule 63A)	7 days prior to nominations opening (rule 63A)

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.



5 December 2017

Dr Stuart Day
Federal Secretary / Treasurer
Australian Salaried Medical Officers Federation
By email: asmof@asmof.org.au

CC: AEC Returning Officer by email: industrial.elections@aec.gov.au

Dear Dr Day,

Courtesy Letter - Election for offices [E2017/261]

The rules of the Australian Salaried Medical Officers Federation indicate that an election for offices within the organisation is due to commence shortly:

- Branch Council
- Branch Delegates to Federal Council

It appears that nominations for the election for the above offices open in March next year.

Reminder: prescribed information must be lodged

This is a courtesy letter to remind you of your obligation to lodge information about the election (known as the 'prescribed information') pursuant to sub-sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') within the month. Prescribed information must be lodged with the Registered Organisations Commission (the ROC) two months before nominations open for the election.

If you do NOT agree that an election is due

If you have a different interpretation for the commencement of the election or the offices due for election under your rules, please let the ROC know on regorgs@roc.gov.au as soon as possible.

If you agree that an election is due

If you agree that an election is due, the prescribed information must be lodged within the month. The prescribed information should contain details of the election as required by regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009* (the 'Regulations'), and any subsequent collegiate elections, if that is relevant. A sample of the prescribed information can be found on our website at <http://www.roc.gov.au/resources-and-decisions/fact-sheets-templates-and-webinars>.

The prescribed information should be emailed to regorgs@roc.gov.au. When lodging the prescribed information, please quote [E2017/261]

If you are unable to lodge the prescribed information on time

If your organisation believes that it will be unable to comply with the prescribed day as set out in the Regulations, it will need to apply to the Commissioner within the month for a later date. Such request will need to set out in detail the reason why your organisation is unable to comply with the requirement. While the Commissioner will consider such an application, there is no assurance that consent to a later day will be allowed.

Penalties apply

It should be noted Section 189(2) is a civil penalty provision. Failure for an organisation to lodge prescribed information at least two months before nominations open may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or the organisation.

The ROC intends to continue to provide reminders that an election is due as a courtesy. However failure to receive a reminder from the ROC cannot be relied on as a reason for late, incorrect or non-lodgment of prescribed information. The obligation to lodge prescribed information consistent with the Act and the rules of the organisation rests with the organisation.

Insufficient nominations

If there are insufficient nominations, or if a casual vacancy arises after the conduct of this election, then those unfilled or vacated offices must be filled in accordance the organisation's rules, and in any event in a timely manner.

Should you seek any clarification in relation to the above, please contact the ROC on regorgs@roc.gov.au.

Yours faithfully,

Sam Lynch
Registered Organisations Commission