

27 March 2019

Registered Organisations Commissioner
Registered Organisations Commission

By Email: regorgs@roc.gov.au

Dear Commissioner

Re: E2018_199 Post-Election Report and Response

In accordance with s197 of the Fair Work (Registered Organisations) Act the AEC provided the HSU Victoria No. 3 branch with a Post-Election Report [2018_199] into its casual vacancy elections for the office of Delegate to National Council and Ordinary Member of the Branch Committee of Management which was received by the organisation on 08 March 2019.

Attached is a copy of the response from HSU Victoria No. 3 Branch provided to Allison Valentine of the AEC.

This response will be published in full on the HSU Victoria No. 3 website (VAHPA) tomorrow. Already on our website, prominently displayed, is the Declaration of Results and the Post-Election Report, each of which has previously been email to all members of the Branch.

Should you require any further information or have any questions, please contact Branch Secretary, Craig McGregor, at craig.mcgregor@vahpa.asn.au

Kind Regards



Craig McGregor
Secretary, HSU Victoria No. 3 Branch



Thursday, 20 December 2018

Christine Cox
Australian Electoral Commission

By Email: Christine.Cox@aec.gov.au

Dear Ms Cox

RE: E2018/46 Post-Election Report

In accordance with s197 of the Fair Work (Registered Organisations) Act the AEC provided the HSU a post-election report into its quadrennial branch and national officer elections which was received by the organisation on 22 November 2018.

The report identified some difficulty interpreting the provisions of 23A(e)(1) [presumably 23A(e)(i) as there is no 23A(e)(1)] for the purposes of identifying the relevant WA branch officers.

The HSU proposes to review the national rules with a view to clarifying the ability of branches to determine, who for their purposes, will be paid officials of the specified branch. The HSU notes there are currently different and, in some cases, specified variations between branches in relation to paid officer positions; as well as differences in implementation. These should all be clear within our rules.

The AEC report identified the interaction between a number of rules that affect the time required to conduct the elections; commencing with the requirement in 23A(d)(iv). The subsequent timing requirements under 23A required a very lengthy election time frame for contested elections. This had a flow on effect to the time available for the conduct of the national officer elections under 23B.

HSU will undertake a re-examination of all the rules under **23A Branch Elections** and **23B National Officer Elections**, which impact on the timing of, and the time to, conduct the elections with a view to proposing modified rules to correct the defects at least 2 years before the organisation's next quadrennial election cycle. The HSU intends to review these rules during the next 12 months.

The AEC identified some concerns, which were rectified at the time, arising from the required updates to the roll of voters in the SA/NT branch and over resigned versus unfinancial members. The HSU is unclear whether there was confusion arising from the rules or the intersection with the rules and the Roll Listing Timetable and seeks additional clarification about whether there is action required under the rules.

The HSU will seek to amend [remove] rule 23(A)(d)(ixx) requiring the AEC to receipt mail collection from Australia Post, given these processes are not available through the post office.



The HSU notes the advice of the AEC about the consequences of the requirement to name declared elected [uncontested] candidates on the ballot paper in the NSW branch elections where a single position was contested. The HSU will also consider this information when reviewing the rules.

If you require additional information or have further questions, please contact Leigh Svendsen at leighs@hsu.net.au or on 0418 538989

Yours sincerely,



Lloyd Williams
National Secretary

cc **Registered Organisations Commission**





19 March 2019

Mr Gerard Hayes
National President; NSW Branch Secretary
Health Services Union
gerard.hayes@hsu.asn.au

Dear Mr Hayes,

cc: Victoria No. 3 Branch, info@vahpa.asn.au

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 uncontested offices for Victoria No. 3 Branch [E2018/199]. 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, as soon as practicable after receiving the postelection report, 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 Health Services Union 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

Christine Hibberd
Registered Organisations Commission

8 March 2019

Post-election report

**E2018/199 Health Services Union
Victoria No. 3 Branch**

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Election(s) Covered in this Report

Organisation: Health Services Union, Victoria No. 3 Branch
Election Decision Number(s): E2018/199

Rules

Rules used for the election: [051V: Incorporates alterations of 23 May 2018
(R2018/48)]

Rules difficult to apply/interpret: Please refer to the post-election report for Scheduled Election E2018-46 for further detail regarding Rules that are difficult to apply or interpret.

Model Rule reference (if any): N/A
For more details see the Model Rules on the AEC website:
(https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

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

Other irregularities identified, and action taken: N/A

Other Matters

Returning Officer actions required (Section 193): Yes

Details: Section 193 action was required as Rule 23 (d) (ixx) [sic] states

The Returning Officer shall clear the box and bag at the mail exchange on a regular basis and shall sign a receipt for the ballot papers on taking them from the mail exchange. The Returning Officer shall notify all scrutineers of their intention to clear the box and bag and their right to attend when that occurs. The Returning Officer shall provide a progressive total of ballots returned to any candidate on their request.

Application of Section 193 was required because Australian Electoral Commission mail receipt and processing does not comply with the receipting requirement detailed in the above named Rule.

Signed



Allison Valentine
Returning Officer
Australian Electoral Commission
E: vicelections@aec.gov.au
P: 03 9285 7171

08/03/2019

Attachments

- 1) Declaration of results for Uncontested Offices

Health Services Union
Victoria No. 3 Branch
DECLARATION OF RESULTS - E2018/199
Uncontested Offices

Casual Vacancy 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:

Victoria No. 3 Branch

Ordinary Member of Branch Committee of Management (1)

Candidates

DHANA Nainaben

Branch Delegate to National Council (1)

Candidates

MCGREGOR CRAIG

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



Allison Valentine
Returning Officer

01/03/2019





DECISION

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

Health Services Union
(E2018/199)

MR ENRIGHT

MELBOURNE, 18 SEPTEMBER 2018

Arrangement for conduct of election.

[1] On 27 August 2018 the Health Services Union lodged with the Registered Organisations Commission prescribed information for an election to fill a casual vacancy in the following offices for the remainder of the term:

Victoria No. 3 Branch

Ordinary Member of Branch Committee of Management	(1)
Branch Delegate to National Council	(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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<PR351162>

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, Gerard Hayes being the National Secretary of the Health Services Union, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Health Services Union.
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. The resignation letter is attached for each casual vacancy is attached.

Signed:


National Secretary

Dated: 27 August 2018

[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

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
Victoria No 3 Branch	Ordinary Member of Branch Committee of Management	1	Direct Voting System	Casual vacancy caused by resignation	The members of the Victoria No 3 Branch
	Branch Delegate to National Council	1	Direct Voting System	Casual vacancy caused by resignation	The members of the Victoria No 3 Branch

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	<i>To be determined by returning officer (rule 23A)</i>	
Nominations CLOSE	<i>To be determined by returning officer (rule 23A)</i>	
Roll of Voters cut off date	<i>7 days prior to nominations opening (rule 12.4)</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.