



22 July 2019

Lloyd Williams  
National Secretary; State Secretary HSU Vic No. 2 Branch  
Health Services Union  
Sent via email: lloydw@hacsu.asn.au

cc: Victoria No. 1 Branch info@hwu.org.au, Victoria No. 2 Branch hacsu@hacsu.asn.au, New South Wales Branch hsu@hsu.net.au

Dear Lloyd Williams,

### **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 in matter E2019/72. 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 post-election 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.

Yours faithfully,

**Astrid Glenister**  
**Registered Organisations Commission**



22 July 2019

Lloyd Williams  
National Secretary; State Secretary HSU Vic No. 2 Branch  
Health Services Union  
Sent via email: lloydw@hacsu.asn.au

cc: Victoria No. 1 Branch info@hwu.org.au, Victoria No. 2 Branch hacsu@hacsu.asn.au, NSW Branch hsu@hsu.net.au

Dear Lloyd Williams

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2019/72**

On 17 July 2019 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2019/72. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular Rules 23A(e)(i) and 23(d)(vi). This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

**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 regs 141(4) and (5)).

**A written response must be provided to the AEC**

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

**Extract of report must be made available to members**

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

**Written response must be made available to members**

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or

- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and
- within 30 days of giving the response to the AEC:
  - lodges with the ROC a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
  - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

### **Penalties may apply**

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the ROC for assistance by email to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

### **If the organisation or branch decides to alter its rules in response to the AEC's report**

If the organisation or branch decides to alter its rules in response to the AEC's report, the ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

**Astrid Glenister**  
**Registered Organisations Commission**

17 July 2019

# Post-election report

**E2019/72 Health Services Union**

**Victoria No. 1 Branch, Victoria No. 2 Branch,  
New South Wales Branch**

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## Election(s) Covered in this Report

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Organisation: Health Services Union, Victoria No. 1 Branch, Victoria No. 2 Branch,  
and New South Wales Branch,  
Election Decision Number: E2019/72

## Rules

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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 re 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](https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections))

## Roll of Voters

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As there were no contested offices, no Rolls of Voters were required.

## Irregularities

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

Other irregularities identified, and action taken: N/A

## Other Matters

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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 Rule.

## Signed

---



Allison Valentine  
Returning Officer  
Australian Electoral Commission  
E: [vicelections@aec.gov.au](mailto:vicelections@aec.gov.au)  
P: 03 9285 7177

17/07/2019

## Attachments

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- A) Declaration of results for Uncontested Offices – Victoria No. 1 Branch
- B) Declaration of results for Uncontested Offices – Victoria No. 2 Branch
- C) Declaration of results for Uncontested Offices – New South Wales Branch



# Attachment A

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**Health Services Union  
Victoria No. 1 Branch  
DECLARATION OF RESULTS - E2019/72  
Uncontested Offices**

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**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. 1 Branch**

**Delegate to National Council (1)**

Candidates

ATKINSON Lee

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  
Telephone: 03 9285 7177  
Email: [vicelections@aec.gov.au](mailto:vicelections@aec.gov.au)

21/06/2019

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## Attachment B

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**Health Services Union**  
**Victoria No. 2 Branch**  
**DECLARATION OF RESULTS - E2019/72**  
**Uncontested Offices**

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**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. 2 Branch**

**Delegate to National Council (1)**

Candidates

CARTER Angela

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  
Telephone: 03 9285 7177  
Email: [vicelections@aec.gov.au](mailto:vicelections@aec.gov.au)

21/06/2019

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## Attachment C

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### Health Services Union New South Wales Branch DECLARATION OF RESULTS - E2019/72 Uncontested Offices

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#### 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:

#### NSW Branch

##### Delegate to National Council (1)

###### Candidates

KNEE Jeffrey

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



Chris Cox  
Returning Officer  
Telephone: 02 9375 6301  
Email: [nswelections@aec.gov.au](mailto:nswelections@aec.gov.au)  
09/07/2019





4 July 2019

Lloyd Williams  
National Secretary; State Secretary HSU Vic No. 2 Branch  
Health Services Union  
Sent via email: lloydw@hacsu.asn.au

cc: Diana Asmar, Health Services Union-Victoria No. 1 Branch,  
diana.asmar@hwu.org.au

Dear Lloyd Williams,

### **Reminder of actions required when persons elected to office**

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  - the name of the office vacated;
  - the date of the change of office holder; and
  - the name of the person vacating the office.
  
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Yours faithfully,

**Christine Hibberd**  
**Registered Organisations Commission**

**Health Services Union**  
**Victoria No. 2 Branch**  
**DECLARATION OF RESULTS - E2019/72**  
**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. 2 Branch**

**Delegate to National Council (1)**

Candidates

CARTER Angela

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

*Allison Valentine*

Allison Valentine  
Returning Officer  
Telephone: 03 9285 7177  
Email: [vicelections@aec.gov.au](mailto:vicelections@aec.gov.au)

21/06/2019

**Health Services Union**  
**Victoria No. 1 Branch**  
**DECLARATION OF RESULTS - E2019/72**  
**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. 1 Branch**

**Delegate to National Council (1)**

Candidates

ATKINSON Lee

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*Allison Valentine*

Allison Valentine  
Returning Officer  
Telephone: 03 9285 7177  
Email: [vicelections@aec.gov.au](mailto:vicelections@aec.gov.au)

21/06/2019



## DECISION

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

### Health Services Union (E2019/72)

MELBOURNE, 16 MAY 2019

*Arrangement for conduct of election.*

[1] On 28 March 2019 the Health Services Union lodged with the Registered Organisations Commission prescribed information for an election to fill casual vacancies in the following offices for the remainder of the term:

- Delegate to National Council for NSW Branch (1)
- Delegate to National Council for Vic No 1 Branch (1)
- Delegate to National Council for Vic No 2 Branch (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



**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, Timothy Martin Jacobson being the Acting 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 required elections are casual vacancies, arising as a consequence of the election of the National Officers from the delegates to National Council.
  - a. National Officers must be Delegates to National Council to be eligible for nomination and election as a National Officer [rule 23B(b)].
  - b. When a delegate is elected as a National Officer, they cease to be a Delegate to National Council [rule 15(c)].
  - c. The subsequent vacancy is to be filled in accordance with the casual vacancy provisions [rule 23A(j)(i)].

Signed: Tim Jacobson  
**Acting National Secretary**



Dated: 28 March 2019

*[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 currently required and not yet advised for the Health Services Union in 2019:

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
NSW	Delegates to National Council	1	DVS	Casual	All members of NSW Branch (rule 15)
Vic No 1	Delegate to National Council	1	DVS	Casual	All members of Vic No 1 Branch (rule 15)
Vic No 2	Delegate to National Council	1	DVS	Casual	All members of Vic No 2 Branch (rule 15)

- Important dates:

	Direct Voting System	Collegiate Electoral System
<b>Nominations OPEN</b>	1 June 2018 (rule 23A(d)(ii))	To be determine by the returning officer
<b>Nominations CLOSE</b>	14 June 2018 (rule 23A(d)(ii))	To be determine by the returning officer
<b>Roll of Voters cut-off date</b>	7 days prior to nominations opening (rule 23A(d)(xi))	To be determine by the returning officer

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.

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