

**Health Services Union  
2012 Elections  
Victoria No. 3 Branch**

**DECLARATION OF RESULTS FOR CONTESTED OFFICES**

**E2012/360**

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.

Ballot papers issued to eligible voters	3383
Duplicate ballot papers issued	9
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>3392</b>
Ballot papers / envelopes returned for scrutiny	1972
Less ballot papers / envelopes rejected at preliminary scrutiny	38
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>1934</b>
Percentage of ballot papers returned to number issued	58%
Ballot papers returned as unclaimed mail	19
Ballot papers not returned	1401

**Branch President**

<u>Candidates</u>	<u>First Preference Votes</u>
BROOKS, Geraldine	1024
WILKINSON, Kate	895
Total votes	1919
Formal ballot papers	1919
Informal ballot papers	15

I declare Geraldine Brooks elected.

**Branch Senior Vice President**

<u>Candidates</u>	<u>First Preference Votes</u>
HALE , Cheryl	1025
AUGOUSTAKIS , Lia	889
Total votes	1914
Formal ballot papers	1914
Informal ballot papers	20

I declare Cheryl Hale elected.

**Branch Junior Vice President**

<u>Candidates</u>	<u>First Preference Votes</u>
SIGISMONDI, Stephen	866
GINN, Joanne	1035
Total votes	1901
Formal ballot papers	1901
Informal ballot papers	33

I declare Joanne Ginn elected.

### **Branch Secretary**

<u>Candidates</u>	<u>First Preference Votes</u>
MCGREGOR , Craig	1054
BEHRENS, Fleur	870
Total votes	1924
Formal ballot papers	1924
Informal ballot papers	10

I declare Craig McGregor elected.

### **Branch Assistant Secretary**

<u>Candidates</u>	<u>First Preference Votes</u>
DUNLOP , Jennifer	884
HEWAT, Andrew	1022
Total votes	1906
Formal ballot papers	1906
Informal ballot papers	28

I declare Andrew Hewat elected.

### **Branch Trustees (2)**

<u>Candidates</u>	<u>First Preference Votes</u>
DIXON , Reuben	886
BRASIER , Shane	854
TUCK, Sam	1039
POOLE , Bruce	1020
Total votes	3799
Formal ballot papers	1920
Informal ballot papers	14

I declare Bruce Poole and Sam Tuck elected.

### **Ordinary Member of Branch Committee (5)**

<u>Candidates</u>	<u>First Preference Votes</u>
GINN, Julian	1018
DHANA, Nainaben	836
BOURKE, Jenni	1086
D'AMORE, Anthony	997
HOVENDEN, Michael	995
WALPOLE, Hugh	877
SCOTT, Amanda	911
MAGNUSSON, Lisa	876
KOLMUS, Alison	876

PHAM, Patricia	967
Total votes	9439
Formal ballot papers	1919
Informal ballot papers	15

I declare Jenni Bourke, Anthony D'Amore, Julian Ginn, Michael Hovenden and Patricia Pham elected.

**Branch Delegates to National Council (4)**

<u>Candidates</u>	<u>First Preference Votes</u>
GIBBONS, Debra	971
MCGREGOR, Craig	1059
CARISS, Simone	836
GREGORY , Mel	845
HEWAT , Andrew	1010
ROBERTS, Damien	813
BROOKS, Geraldine	1043
MAYBERRY , Linda	851
Total votes	7428
Formal ballot papers	1903
Informal ballot papers	31

I declare Geraldine Brooks, Debra Gibbons, Andrew Hewat and Craig McGregor elected.



Lee Jones  
Returning Officer  
Australian Electoral Commission  
28 November 2012



Our Ref: N12/357

Mr Justice Moore  
Administrator  
Health Services Union  
Level 2/ 109 Pitt St  
Sydney NSW 2000

Email: theadministrator@hsueast.com

Dear Judge

**Re Health Services Union Elections for offices  
Victoria No 3 Branch E2012/360**

I refer to my letter of 3 September 2012 regarding the above election.

The ballots closed at 5pm on Friday 23 November 2012 and my declaration of the results for contested offices is attached.

Please publish the declaration as soon as possible on the Union's web site.

A copy of the declaration will also be sent to all candidates who were involved in a contest.

The election is completed and I will shortly forward the AEC's Post Election Report.

Yours sincerely



Lee Jones  
Returning Officer

28 November 2012



FAIR WORK  
AUSTRALIA

## DECISION

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

**Health Services Union - Victoria No. 3 Branch**  
(E2012/360)

AILS A CARRUTHERS

MELBOURNE, 31 AUGUST 2012

*Arrangement for conduct of election.*

[1] On 31 August 2012 the Administrator of the Victoria No.3 Branch of the Health Services Union (HSU), the Honourable Michael Moore, lodged with Fair Work Australia the prescribed information in relation to an election in the Victoria No. 3 Branch pursuant to an order of Justice Flick of the Federal Court of Australia in NSD735/2012 on 29 June 2012 (the Scheme). A copy of the Scheme is Attachment A to this decision.

[2] Under paragraph 15.3 of the Scheme, on 14 August 2012 the Administrator lodged with Fair Work Australia particulars of alterations to the rules of the HSU under section 159 of the *Fair Work (Registered Organisations) Act 2009*. Those alterations, which concerned the demerger of the East Branch of the HSU to reconstitute the NSW, Victoria No. 1 and Victoria No. 3 Branches, were certified on 21 August 2012.<sup>1</sup>

[3] Paragraph 16 of the Scheme provides that, upon certification of the rule alterations on 21 August 2012, the Administrator shall, by order of the Court, be appointed administrator of the Victoria No. 3 Branch.

[4] Paragraph 24 of the Scheme provides that the Administrator shall, on completion of the steps set out in paragraphs 11 to 23 of the Scheme and, when satisfied that the policies referred to in paragraph 22 of the Scheme have been implemented, request the General Manager of Fair Work Australia to arrange for the conduct of an election for all offices of the demerged Branches by the Australian Electoral Commission.

[5] Paragraph 25 of the Scheme further provides that the elections referred to in paragraph 24 of the Scheme are to be held to fill the vacant offices until the completion of elections to be held in 2014 under rule 29 of the HSU rules.

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<sup>1</sup> [2012] FWAD 6936.

[6] The prescribed information in relation to an election in the Victoria No. 3 Branch concerns the conduct of an election for the following offices:

Branch President  
Branch Senior Vice-President  
Branch Junior Vice-President  
Branch Secretary  
Branch Assistant Secretary  
Branch Trustee (2)  
Ordinary Member of Branch Committee (5)  
Branch Delegate to National Council (4)

[2] I am satisfied that an election for the abovenamed offices is required to be held 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 GENERAL MANAGER  
FAIR WORK AUSTRALIA

Printed by authority of the Commonwealth Government Printer

<Price code A, PR528682>

# Order Entered

No: (P)NSD735/2012

Federal Court of Australia  
District Registry: New South Wales  
Division: Fair Work

## **HSU EAST**

Applicant

**NSW MINISTER FOR FINANCE AND SERVICES** and others named in the schedule  
Respondent

**UNIONS NSW** and another named in the schedule  
Other

## **ORDER**

**JUDGE:** Justice Flick

**DATE OF ORDER:** 29 June 2012

**WHERE MADE:** Sydney

### **THE COURT ORDERS THAT:**

1. Pursuant to r 39.04, the *Orders* made on 21 June 2012 be varied by substituting Appendix A to those *Orders* with Appendix A to this *Order*.

Date that entry is stamped:

Deputy District Registrar

## APPENDIX A

### *Interpretation*

1. For the purposes of this Scheme, unless the contrary intention appears:
  - 1.1 The *Act* means the *Fair Work (Registered Organisations) Act 2009* (Cth);
  - 1.2 The *Administrator* means the person appointed under clause 2.3 or 15 of the Scheme, as the case may be;
  - 1.3 The *Court* means the Federal Court of Australia;
  - 1.4 The *Commission* means the Industrial Relations Commission of New South Wales;
  - 1.5 The *demerged Branches* means the NSW Branch of the HSU, the Victorian No 1 Branch of the HSU and the Victorian No 3 Branch of the HSU.
  - 1.6 HSU means the Health Services Union, an organisation registered under the Act;
  - 1.7 *HSU East Branch* means the Branch of the HSU confirmed by Rule 48(a) of the Rules;
  - 1.8 The *IR Act* means the *Industrial Relations Act 1996* (NSW);
  - 1.9 The *Merger Date* means 24 May 2010, being the day on which the Rules were amended to create the HSU East Branch and make consequential amendments;
  - 1.10 The *NSW Union* means HSU East, a State Industrial Organisation registered under the IR Act;
  - 1.11 The *NSW Union Rules* means the rules of the NSW Union;
  - 1.12 The *Order* means the orders of the Court approving this Scheme under s 323 of the Act and s 290B of the IR Act;
  - 1.13 The *Rules* means the Rules of the HSU.

### *Appointment of Administrator*

2. On the making of the Order:
  - 2.1 all elected offices in the HSU East Branch (as set out in Annexure A) shall be declared by the Court to be vacant;



- 2.2 clause 2.1 does not affect the continued employment of persons (including organisers) whose employment is not connected with an office vacated as a result of clause 2.1; and
  - 2.3 the Honourable Michael Moore shall be appointed by order of the Court as the Administrator of the HSU East Branch.
3. On the making of the Order:
  - 3.1 all elected offices in the NSW Union (as set out in Annexure B) shall be declared by the Court to be vacant; and
  - 3.2 clause 3.1 does not affect the continued employment of persons (including organisers) whose employment is not connected with an office vacated as a result of clause 3.1; and
  - 3.3 the Honourable Michael Moore shall be appointed by order of the Court as the Administrator of the NSW Union.
4. Within seven days of the making of the Order, those persons whose offices are declared vacant in clauses 2 and 3 shall return to the Administrator all property (including credit cards) of the HSU or the NSW Union, as the case may be, in their possession.
5. As and from the making of the Order and for the period of the administration, the Administrator:
  - 5.1 shall have and exercise such powers and duties of the Union Council (being the HSU East Branch Committee), the HSU East Branch Officers and the HSU East Branch Executive Committee as are conferred on those bodies by the Rules and the Act;
  - 5.2 shall have and exercise such powers and duties of the Union Council of the NSW Union, the Executive Committee of the NSW Union and the Officers of the NSW Union as are conferred on those bodies by the NSW Union Rules and the IR Act; and
  - 5.3 without limiting the foregoing, the Administrator shall have power to bring proceedings in the name of the NSW Union, for the recovery of any funds of the NSW Union, misappropriated by any person, and for the imposition of

penalties and the awarding of compensation as may be available under the IR Act.

6. For the avoidance of doubt, the Administrator shall have full power to engage such employees and consultants as the Administrator deems necessary to enable the Administrator to carry out the duties and functions conferred on the Administrator under this Scheme.
7. For the further avoidance of doubt and notwithstanding any provisions of the Rules of the HSU, the Administrator may appoint any person deemed suitable to him as a proxy to represent him at any meeting of the National Council or National Executive of the HSU **provided that** a separate written appointment is made for each such meeting, and each such instrument may provide instructions to the proxy as to how the proxy should vote and must do so in the event of a vote being required on any matter that, in the opinion of the Administrator, may adversely affect the interests of the members of the HSU East Branch. To avoid doubt any such instructions may include a direction to abstain from voting.
8. Without limiting the foregoing, the Administrator may, upon giving 72 hours' written notice to the Applicants or any person represented in the proceeding, apply to the Court for the appointment of a separate or further Administrator to assist with the administration of the NSW Union, HSU East Branch and the demerged Branches under this Scheme.
9. Further, the Administrator shall ensure that any charges under the Rules or the NSW Union Rules laid against any member be dealt with expeditiously and in accordance with the relevant rules.
10. The Administrator shall co-operate with the investigation conducted by Ian Temby QC and Dennis Robertson and any other investigations of the conduct of officers or employees of the HSU East Branch or the NSW Union.

***Roll of Members and Preparation of Accounts***

11. The Administrator shall, as soon as is reasonably practicable after the date of the Order, prepare the following lists of members of the HSU East Branch as at the date of the Order, and shall state whether the member was financial or unfinancial as at the date of the Order:

- 11.1 A list of all of the members employed in New South Wales and the Australian Capital Territory (the **NSW Members**);
  - 11.2 A list of all of the members employed in Victoria who would be eligible to a member of the Victoria No 1 Branch in accordance with the Rules as in force immediately before the Merger Date (the **No 1 Branch members**) if those Rules had continued in force at the time of the Order;
  - 11.3 A list of all of the members employed in Victoria who would be eligible to a member of the Victoria No 3 Branch in accordance with the Rules as in force immediately before the Merger Date (the **No 3 Branch members**) if those Rules had continued in force at the time of the Order.
12. Any person joining the HSU East Branch after the date of the Order shall be placed on the list that would be applicable had they been a member at the date of the Order, and shall for the purposes of the Scheme form part of the respective list.
  13. The Administrator shall, as soon is reasonably practicable after the date of the Order cause to be prepared:
    - 13.1 Financial accounts, setting out the assets and liabilities, of the HSU East Branch; and
    - 13.2 Financial accounts, setting out the assets and liabilities, of the NSW Union.
  14. The Administrator shall establish and implement internal control policies and procedures to ensure the HSU East Branch and the New South Wales Union are conducted in accordance with the principles of good corporate governance and to ensure accountability to the members of the HSU East Branch and New South Wales Union.
  15. Notwithstanding anything to the contrary in the Rules of the HSU, on the completion of the preparation of the member lists and accounts as referred to in clauses 11 and 13, the Administrator shall:
    - 15.1 alter the Rules of the HSU, so as to reinstate them to the form they were in immediately before the Merger Date, in so far as they provided for the NSW Branch, the Victoria No 1 Branch and the Victoria No 3 Branch;

- 15.2 if required, in the opinion of the Administrator, strengthen the financial accountability and good governance of the NSW Branch, the Victoria No 1 Branch and the Victoria No 3 Branch; and
- 15.3 lodge with Fair Work Australia, particulars of the alterations and seek the certification of General Manager of Fair Work Australia under section 159 of the Act.
16. Upon the certification of the alterations referred to in clause 15 (the **Amendment Date**), (which will, among other things, disband the HSU East Branch and constitute the NSW Branch, the Victoria No 1 Branch and the Victoria No 3 Branch), the Administrator shall, by order of the Court be appointed administrator of the NSW Branch, the Victoria No 1 Branch and the Victoria No 3 Branch to exercise the powers and duties of office holders of those Branches as provided for in the Rules as amended pursuant to the Order of the Court.
17. On the Amendment Date:
  - 17.1 the NSW Members shall be assigned to and become members of the NSW Branch;
  - 17.2 the No 1 Branch Members shall be assigned to and become members of the No 1 Branch; and
  - 17.3 the No 3 Branch Members shall be assigned to and become members of the No 3 Branch.
18. On the Amendment Date, the Administrator shall apportion and distribute the assets and liabilities of the NSW Union and the HSU East Branch to the NSW Union and the demerged Branches having regard to:
  - 18.1 the proportion of assets and liabilities that each Branch contributed to the HSU Branch at the Merger Date;
  - 18.2 the proportion of assets and liabilities that each Branch contributed to the NSW Union;
  - 18.3 the respective number of members of each Branch;
  - 18.4 the income and expenses of the HSU East Branch and the NSW Union since the Merger Date; and

- 18.5 what the Administrator considers is fair, just and appropriate in the circumstances.
19. Any member of the HSU or the NSW Union holding real or personal property of the HSU or the NSW Union, whether as registered proprietor, trustee or otherwise, shall, at the request of the Administrator deliver up or transfer such property to the Administrator.
20. The Administrator will take all reasonable steps to ensure that as and from the Amendment Date, dues paid by members, including by way of direct debit or payroll deduction, of the demerged Branches are paid to the respective Branch in which the members are assigned.
21. Notwithstanding anything to the contrary in the Rules of the NSW Union, the Administrator of the NSW Union shall, on the completion of the preparation of the member lists and accounts as referred to in clauses 11 and 13:
- 21.1 alter the Rules of the NSW Union, so as to reinstate them to the form in which they existed immediately before the rule change consented to by the Acting Deputy Industrial Registrar in accordance with the decision of Boland J in *Health Services Union* [2010] NSWIRComm 107 (30 July 2010);
- 21.2 if required, in the opinion of the Administrator, strengthen the financial accountability and good governance of the NSW Union;
- 21.3 Ensure that the current rule 18A of the rules of the NSW Union provides that persons elected to officers in the NSW Branch of the HSU will be taken to be validly elected to the corresponding office in the NSW Union; and
- 21.4 lodge with the Commission, particulars of the alterations and seek the consent of the Industrial Registrar under section 245 of the IR Act.
22. The Administrator shall develop and implement policies to ensure that after the Amendment Date the NSW Union and the demerged Branches will be representative of and accountable to their members, will be able to operate effectively, will encourage members to participate in the affairs of the Branch to which they belong and will encourage the democratic functioning and control of the Branch.
23. If in the opinion of the Administrator it is necessary or appropriate to do so, the Administrator shall alter the Rules and the NSW Union Rules so as to ensure that

after the Amendment Date the NSW Union and the demerged Branches will continue to be representative of and accountable to their members, will continue to be able to operate effectively, will continue to encourage members to participate in the affairs of the NSW Union and the demerged Branches to which they belong, and will continue to encourage the democratic functioning and control of the NSW Union and the demerged Branches and take such steps as are necessary to obtain certification under the Act or consent under the IR Act as the case may be.

### ***Elections***

24. The Administrator shall:

24.1 on the completion of the steps set out in paragraphs 11 to 23; and

24.2 when he is satisfied that the policies referred to in paragraph 22 have been implemented;

request the General Manager of Fair Work Australia to arrange for the conduct of an election for all offices in the demerged Branches by the Australian Electoral Commission.

25. The elections referred to in clause 24 are to be held to fill the vacant offices until the completion of elections to be held in 2014 under rule 29 of the Rules.

26. The Administrator must do all things necessary to facilitate the conduct of the elections, including all those things required to be done by a Committee of Management of an organisation under the Act.

27. During the period of administration the Administrator shall not:

27.1 permit the use of the funds or resources of the NSW Union, the HSU East Branch or the demerged Branches for campaigning or electioneering;

27.2 permit the employees of the NSW Union, the HSU East Branch or the demerged Branches to campaign or electioneer during their working hours; and

27.3 permit any electioneering or campaign material to be posted on the website of the NSW Union, the HSU East Branch or the demerged Branches.

28. The Administrator shall use his best endeavours to ensure the completion of the administration within 120 days of the date of the Order, or such further time as the Court may allow.
29. The Administrator shall cease to act under this Scheme on the declaration of the results of the elections provided for in paragraph 24.

***Payment of the Administrator***

30. The NSW Union shall pay the fees and expenses of the Administrator of carrying out his functions under this scheme.

**ANNEXURE A****List of Officers**

<b>Title of Office</b>	<b>Name</b>	
General Secretary/Treasurer	WILLIAMSON	Michael Alexander
Deputy General Secretary	MYLAN	Peter James
Deputy General Secretary	BOLANO	Marco
Divisional Secretary	MILLER	Stuart
Divisional Secretary	HAYES	Gerard John
Divisional Assistant Secretary	SEYMOUR	Kerrie
Divisional Assistant Secretary	YEATES	Bryan
Executive President	JACKSON	Kathy

**General Representatives - NSW**

General Representative	CONROY	Graham
General Representative	COWDREY	Jodie Therese
General Representative	FELTHAM	Rodney Keith
General Representative	GIBLETT	Zelda Vivienne
General Representative	GILCHRIST	Lachlan
General Representative	GILKINSON	Christine
General Representative	HALL	Adam
General Representative	HAZELWOOD	Kim
General Representative	HULL	Robert Darcy
General Representative	HUMPHRIES	Angela
General Representative	IRVINE	Monique Louise
General Representative	MCINTOSH	Kenneth Hector
General Representative	MULLER	Kim



General Representative	O'DONNELL	Michael
General Representative	SANTANGELO	John
General Representative	THORBURN	Tim
General Representative	TURELLO	Beverley

**List of Ordinary Members of Union Council**

<b>Title of Office</b>	<b>Name</b>	
President	POLLARD	Stephen
Vice President	KNIGHT	Iris
Vice President	O'CONNOR	Sean
Ordinary Member	AGIUS	Terry
Ordinary Member	AUGOUSTAKIS	Lia
Ordinary Member	BEATON	Peter
Ordinary Member	BOWLES	Stuart
Ordinary Member	BRASIER	Shane
Ordinary Member	BURNS	Leanne
Ordinary Member	BUSH	Leigh
Ordinary Member	CATHERINE	Gino
Ordinary Member	DAVIDSON	Brett
Ordinary Member	DIXON	Reuben
Ordinary Member	DUNLOP	Jenny
Ordinary Member	DUNN	Ray
Ordinary Member	EDWARDS	Grahame
Ordinary Member	FITZROY	John
Ordinary Member	FLYNN	Leonie
Ordinary Member	GOODLOCK	Kim
Ordinary Member	GRAHAM	Julie
Ordinary Member	GRAY	Barbara
Ordinary Member	GRECH	Joe

<b>Title of Office</b>	<b>Name</b>	
Ordinary Member	GUYMER	Lynnette
Ordinary Member	HAYNES	Sharalyn
Ordinary Member	HINDSON	Mark
Ordinary Member	HINGE	Ted
Ordinary Member	JOSEPH	Sharon
Ordinary Member	KERR	Phillip
Ordinary Member	MAGNUSSON	Lisa
Ordinary Member	MARTIN	Linden
Ordinary Member	MCCULLOUGH	Sharon
Ordinary Member	NENADOVIC	Melica
Ordinary Member	NEUMANN	Deborah Anne
Ordinary Member	O'BRIEN	Patrick
Ordinary Member	O'NEILL	Pauline
Ordinary Member	PAPARAS	Jim
Ordinary Member	RILEY	Vicki
Ordinary Member	ROWLING	Bruce
Ordinary Member	RUSSELL	Lynne
Ordinary Member	SCIDONE	Loredana
Ordinary Member	SHAO	Zi Sheng (Sam)
Ordinary Member	SHEPHERD	Lyn
Ordinary Member	SIGISMONDI	Stephen
Ordinary Member	SMITH	Clarence
Ordinary Member	STERREY	Mark
Ordinary Member	THOMPSON	Lynette
Ordinary Member	VEALEY	David
Ordinary Member	VILLANUEVA	Jimmy
Ordinary Member	WHEELHOUSE	Tammie
Ordinary Member	WILKINSON	Kate

### National Councillors

<b>Title of Office</b>	<b>Name</b>	
National Councillor	EDWARDS	Grahame
National Councillor	HARPLEY	Steven
National Councillor	HEWAT	Andrew
National Councillor	MCINTOSH	Deirdre
National Councillor	NENADOVIC	Melica
National Councillor	O'CONNOR	Sean
National Councillor	VESPUCCI	Adriana



## **ANNEXURE B**

### **List of Officers**

<b>Title of Office</b>	<b>Name</b>	
General Secretary/Treasurer	WILLIAMSON	Michael Alexander
Deputy General Secretary	MYLAN	Peter James
Deputy General Secretary	BOLANO	Marco
Divisional Secretary	MILLER	Stuart
Divisional Secretary	HAYES	Gerard John
Divisional Assistant Secretary	SEYMOUR	Kerrie
Divisional Assistant Secretary	YEATES	Bryan
Executive President	JACKSON	Kathy

### **General Representatives - NSW**

General Representative	CONROY	Graham
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General Representative	GILKINSON	Christine
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Ordinary Member	BOWLES	Stuart
Ordinary Member	BRASIER	Shane
Ordinary Member	BURNS	Leanne
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Ordinary Member	DUNN	Ray
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Ordinary Member	FITZROY	John
Ordinary Member	FLYNN	Leonie
Ordinary Member	GOODLOCK	Kim
Ordinary Member	GRAHAM	Julie
Ordinary Member	GRAY	Barbara
Ordinary Member	GRECH	Joe
Ordinary Member	GUYMER	Lynnette
Ordinary Member	HAYNES	Sharalyn

<b>Title of Office</b>	<b>Name</b>	
Ordinary Member	HINDSON	Mark
Ordinary Member	HINGE	Ted
Ordinary Member	JOSEPH	Sharon
Ordinary Member	KERR	Phillip
Ordinary Member	MAGNUSSON	Lisa
Ordinary Member	MARTIN	Linden
Ordinary Member	MCCULLOUGH	Sharon
Ordinary Member	NENADOVIC	Melica
Ordinary Member	NEUMANN	Deborah Anne
Ordinary Member	O'BRIEN	Patrick
Ordinary Member	O'NEILL	Pauline
Ordinary Member	PAPARAS	Jim
Ordinary Member	RILEY	Vicki
Ordinary Member	ROWLING	Bruce
Ordinary Member	RUSSELL	Lynne
Ordinary Member	SCIDONE	Loredana
Ordinary Member	SHAO	Zi Sheng (Sam)
Ordinary Member	SHEPHERD	Lyn
Ordinary Member	SIGISMONDI	Stephen
Ordinary Member	SMITH	Clarence
Ordinary Member	STERREY	Mark
Ordinary Member	THOMPSON	Lynette
Ordinary Member	VEALEY	David
Ordinary Member	VILLANUEVA	Jimmy
Ordinary Member	WHEELHOUSE	Tammie
Ordinary Member	WILKINSON	Kate

**Schedule**

No: (P)NSD735/2012

Federal Court of Australia

District Registry: New South Wales

Division: Fair Work

Second Respondent:	MINISTER FOR EMPLOYMENT AND WORKPLACE RELATIONS
Third Respondent:	HEALTH SERVICES UNION
Fourth Respondent:	CHRISTOPHER PAUL BROWN
Fifth Respondent:	LLOYD ALBERT WILLIAMS
Sixth Respondent:	DANIEL PATRICK HILL
Seventh Respondent:	ROSEMARY LOUISE KELLY
Eighth Respondent:	JORGE NAVAS
Ninth Respondent:	ZITA DARLENE MITCHELL
Tenth Respondent:	KATHERINE JACKSON
Second Other:	MICHAEL FRANCIS MOORE



## **ELLIOTT, Mark**

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**From:** ELLIOTT, Mark  
**Sent:** Friday, 31 August 2012 5:58 PM  
**To:** 'theadministrator@hsueast.com'  
**Subject:** E2012/360 - HSU Vic No. 3 Branch  
**Attachments:** VN3 Bch decision 31 Aug 2012.pdf

Good evening,

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 who can be contacted by telephone on (03) 9285 7145.

Regards,

**MARK ELLIOTT**

Organisations, Research and Advice

**Fair Work Australia**

Tel: 03 8661 7811

Fax: 03 9655 0410

[mark.elliott@fwa.gov.au](mailto:mark.elliott@fwa.gov.au)

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

[www.fwa.gov.au](http://www.fwa.gov.au)

## **ELLIOTT, Mark**

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**From:** ELLIOTT, Mark  
**Sent:** Friday, 31 August 2012 5:55 PM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** E2012/360 - HSU Vic No. 3 Branch  
**Attachments:** HSU - 051v (21 August 2012).doc; VN3 Bch decision 31 Aug 2012.pdf

Good evening,

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

A copy of that decision is attached.

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

Regards,

**MARK ELLIOTT**

Organisations, Research and Advice

**Fair Work Australia**

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31 August 2012

Ms Bernadette O'Neill  
General Manager  
Fair Work Australia  
GPO Box 1994  
MELBOURNE VIC 3001

By Email: [bernadette.oneill@fwa.gov.au](mailto:bernadette.oneill@fwa.gov.au)  
[Ailsa.Carruthers@fwa.gov.au](mailto:Ailsa.Carruthers@fwa.gov.au)

Dear Ms O'Neill

**PRESCRIBED INFORMATION FOR AN ELECTION**

Please find **enclosed** statement of myself of today's date annexing a Notice of Prescribed Information for the purposes of section 189 of the Fair Work (Registered Organisations) Act 2009 and Regulation 138 of the Fair Work (Registered Organisations) Regulations 2009.

Yours faithfully,



Michael Moore

Administrator  
New South Wales Branch Health Services Union  
Victoria No.1 Branch Health Services Union  
Victoria No.3 Branch Health Services Union

Encl.



Health Services Union  
NSW  
ABN 850 3775 1682

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Australia Square  
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## STATEMENT AND NOTICE OF PRESCRIBED INFORMATION

I, Michael Francis Moore, of Level 2, 109 Pitt Street, Sydney, in the State of New South Wales, Administrator of the New South Wales Branch, the Victoria No. 1 Branch and the Victoria No. 3 Branch of the Health Services Union, state as follows:

1. I am the Administrator of the New South Wales Branch, the Victoria No. 1 Branch and the Victoria No. 3 Branch of the Health Services Union by virtue of the Scheme approved by Order of the Federal Court of Australia on 21 June 2012 as subsequently varied.
2. Pursuant to the Scheme I am authorised to lodge the prescribed information concerning the forthcoming elections for the New South Wales Branch, the Victoria No. 1 Branch and the Victoria No. 3 Branch of the Health Services Union which is contained in Annexure "A" to this statement.
3. The prescribed Information is lodged pursuant to Section 189(1) of the Fair Work (Registered Organisations) Act 2009.

Date: 31 August 2012



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Michael Francis Moore

**“A”**

**NOTICE OF PRESCRIBED INFORMATION**

In accordance with section 189(1) of the Fair Work (Registered Organisation) Act 2009, the following prescribed information is provided for elections due to be held for the following branches of the Health Services Union:

(a) Name of each office for which an election is required

**New South Wales Branch**

Branch President  
Branch Senior Vice-President  
Branch Junior Vice-President  
Branch Secretary  
Branch Assistant Secretary-Treasurer  
Ordinary Member of Branch Committee (5)  
Branch Councillors (25)  
Branch Delegates to National Council (21)

**Victoria No. 1 Branch**

Branch President  
Branch Senior Vice-President  
Branch Junior Vice-President  
Branch Secretary  
Branch Assistant Secretary-Treasurer  
Ordinary Member of Branch Committee (8)  
Branch Delegates to National Council (11)

**Victoria No. 3 Branch**

Branch President  
Branch Senior Vice-President  
Branch Junior Vice-President  
Branch Secretary  
Branch Assistant Secretary  
Branch Trustees (2)  
Ordinary Member of Branch Committee (5)  
Branch Delegates to National Council (4)

(b) Reasons for Elections

The elections are required pursuant to the Scheme approved by the Federal Court of Australia on 21 June 2012 and subsequently varied in Matter Numbers NSD 621 and 735 of 2012. Specifically, paragraph 24 of the Scheme provides that on the completion of certain steps under this Scheme, the Administrator shall request the General Manager of Fair Work Australia to arrange for the conduct of an election for all offices in the New South Wales Branch, the Victoria No. 1 Branch and the Victoria No. 3 Branch by the Australian Electoral Commission. Paragraph 25 of the Scheme provides that the elections have to be held to fill vacant offices until the completion of elections to be held in 2014 under Rule 29 of the Rules of the Health Services Union.

(c) Determining number of multiple officers

- (i) Rule 51 of the Health Services Union provides for the number of ordinary members of the Branch Committees of the Victoria No. 1 Branch and the Victoria No. 3 Branch for the purposes of the election. Rule 52 provides for the number of ordinary members of the New South Wales Branch Committee.
- (ii) Rule 50 provides for the number of Branch Trustees in the Victoria No. 3 Branch.
- (iii) Rule 53(b) provides for the number of Branch Councillors in the New South Wales Branch Council
- (iv) Rule 20(a)(ii) provides for the number of Delegates to be elected by and from each Branch. For the purposes for the Rule 20(b) the date utilised to calculate the membership of each of the Branches has been 21 June 2012 being the date that the Scheme was approved by the Order of the Federal Court of Australia.

(d) Electorates

The electorate for each Branch election comprises only the members of that Branch. The names of the Branches concerned are indicated in paragraph (a) above.

(e) Opening and Closing of Nominations

In accordance with Rule 29 A(d)(ii) nominations usually open on the 1<sup>st</sup> June and close on the 14 June in the year of any ordinary election. Given that the election in question are being conducted pursuant to the Scheme, it will be a matter for the Returning Officer of the Australian Electoral Commission to determine the opening and closing date dates for nominations.

(f) Close of Rolls

Rule 29A(d)(ii) provides that the roll of voters is to be closed on the 7<sup>th</sup> day prior to the opening of nominations.

(g) Kind of voting system used

The voting system is a direct voting system with the results being determined on a first past the post basis (see rule 29A(i)).