

28 February 2019

# Post-election report

**Australian Salaried Medical Officers Federation  
Scheduled Election E2018/65**

# Contents

Election(s) Covered in this Report.....	2
Rules .....	2
Roll of Voters .....	3
Irregularities .....	3
Other Matters.....	4
Attachments .....	5

## Election(s) Covered in this Report

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Organisation: Australian Salaried Medical Officers Federation  
Election Decision Number(s): E2018/65

## Rules

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Rules used for the election: [132N: Incorporates alterations of  
13 March 2018] (replaces 23/1/2015 version (R2014/327))

Rules difficult to apply/interpret: Rule 76 (6)

The notice to be given under this sub-rule will be given by publication:  
in a Federation Communication circulated to members of the Branch during that period;  
by notice published in a daily newspaper circulated in the location of the Branch; or  
a combination of any of the above methods,

Federation communication means a communication by print and/or electronic media from the Federation to its members and/or a Branch to the members attached to that Branch. As this could be two forms of communication then 76 (b) may not be necessary, therefore Rule 76(a) should at the end of the sentence read and/or, and 76 (c) should read a combination of any the above methods at (a) and/or (b).

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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Total number of voters on the Roll: Please refer to the attached declaration documents for this information:

Attachment 2 Declaration of Results for Contested Offices – ACT Stage 1

Attachment 4 Declaration of Results for Contested Offices – NSW Stage 1

Attachment 7 Declaration of Results for Contested Offices – QLD Stage 1

Attachment 10 Declaration of Results for Contested & Uncontested Offices – Victoria Stage 1

Attachment 12 Declaration of Results for Contested Offices – WA Stage 1

Attachment 17 Declaration of Results for Contested Offices – SA Stage 2

Attachment 18 Declaration of Results for Contested Offices – TAS Stage 2

Attachment 19 Declaration of Results for Contested Offices – Victoria Stage 2

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Other matters pertaining to the roll of voters: Nil

## Irregularities

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Details of written allegations of irregularities,  
and action taken by AEC: Nil

Other irregularities identified, and action taken: Nil

## Other Matters

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Returning Officer actions required (Section 193): Yes

Details:

Rule 76(2) states that Nominations for office on the Branch Council will open on 1 March and close at 5.00pm on 22 March. The Decision from Fair Work Commission was issued on 3 April and instructions to proceed were provided by the Federal Court of Australia at the election inquiry hearing held on 5 June 2018. As a result, I had no option but to exercise powers under Section 193(b)(ii) of the Fair Work (Registered Organisations) Act 2009 and conduct the election maintaining a similar timeframe but on different dates to those specified in the rules.

Rule 27 (2) B is applying a date (January 31) relevant to when the original scheduled election was to take place, however I applied Section 193(b)(ii) of the Fair Work (Registered Organisations) Act 2009 and applied a more relevant date to determine delegates and that is as per the date of the close of rolls for the Members of the Branch Council positions 09/07/2018.


Rule 78 (4) states “Within seven (7) days after the Federal Secretary has received the names and postal addresses of all the elected delegates, the Federal Returning Officer will send by prepaid post to each of the elected delegates a list of the names and postal addresses of all the elected delegates and will invite each of them to nominate in writing for any one (1) or more of the offices of the Federation and will specify a closing date not later than 14 days after the opening of nominations on or before which the nomination must reach the Federal Returning Officer”.

However as the nomination period fell during the Christmas – New Year period I extended nominations by one week.

Rule 76 states the Returning Officer is to publish an Election Notice between 1 to 14 days prior to Nominations opening. In this event I applied the Rule and published the Election notice approximately seven days before the Nominations opened. This caused Nominations to be received prior to Nominations opening. This Rule would be best applied by future Returning Officers with the Election Notice issuing one day before Nominations open to prevent early receipt of Nominations, or alternately the rule change to allow for the Notice be published on the day that Nominations Open.

## Signed

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28 February 2019

## Attachments

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1. Declaration of Results for Uncontested Offices – ACT Stage 1
2. Declaration of Results for Contested Offices – ACT Stage 1
3. Declaration of Results for Uncontested Offices – NSW Stage 1
4. Declaration of Results for Contested Offices – NSW Stage 1
5. Declaration of Results for Uncontested Offices – NT Stage 1
6. Declaration of Results for Uncontested Offices – QLD Stage 1
7. Declaration of Results for Contested Offices – QLD Stage 1
8. Declaration of Results for Uncontested Offices – SA Stage 1
9. Declaration of Results for Uncontested Offices – Tasmania Stage 1
10. Declaration of Results for Contested & Uncontested Offices – Victoria Stage 1
11. Declaration of Results for Uncontested Offices – WA Stage 1
12. Declaration of Results for Contested Offices – WA Stage 1
13. Declaration of Results for Uncontested Offices – ACT Stage 2
14. Declaration of Results for Uncontested Offices – NSW Stage 2
15. Declaration of Results for Uncontested Offices – NT Stage 2
16. Declaration of Results for Uncontested Offices – QLD Stage 2
17. Declaration of Results for Contested Offices – SA Stage 2
18. Declaration of Results for Contested Offices – TAS Stage 2
19. Declaration of Results for Contested Offices – Victoria Stage 2
20. Declaration of Results for Uncontested Offices – WA Stage 2
21. Declaration of Results for Uncontested Offices – NSW Stage 2 Recall
22. Declaration of Results for Uncontested Offices – QLD Stage 2 Recall
23. Declaration of Results for Uncontested Offices – National Officers Bearers
24. Declaration of Results for Uncontested Offices – Additional Executive Members
25. Declaration of Results for Uncontested Offices – Federal Delegates Doctor in Training
26. Declaration of Results for Uncontested Offices – Federal Delegates Doctor in Training Recall