

Reference: 2023/3994

The General Manager
 Fair Work Commission
 Level 4, 11 Exhibition Street
 Melbourne VIC 3000
 Email: melbourne@fwc.gov.au

Brendan SORAGHAN
 Australian Nursing and Midwifery Federation
 bsoraghan@anmfvic.asn.au

Demi DE MARTE
 Diabetes Victoria
 ddemarte@diabetesvic.org.au

Declaration of results - PAB Order: B2023/407

Pursuant to the Protected Action Ballot Order B2023/407 issued by the Fair Work Commission, the AEC has conducted the protected action ballot and the declaration of the result is provided below.

Preliminary scrutiny	
Number of employees on the Roll of Voters (Voters)	10
Postal votes returned by voters	9
Postal votes rejected at the preliminary scrutiny	0
Postal votes admitted to further scrutiny	9
Percentage of postal votes returned*	90.00

*This is the number of postal votes admitted to further scrutiny as a percentage of the number of employees on the Roll of Voters (the number of voters who voted).

The further scrutiny has been conducted. The table below provides the results for each question.

In support of reaching an enterprise agreement with your employer, do you authorise the taking of the following protected industrial action, separately, concurrently and/or consecutively, in the form of:

	Question	Yes	No	Informal
1	Interrupting or stopping work to put on bargaining campaign clothing.	9	0	0
2	Employees will only perform work while wearing bargaining campaign clothing.	9	0	0
3	An indefinite or periodic ban on performing work in clothes or uniforms which do not have bargaining campaign material and/or badges attached, except for any required PPE.	9	0	0
4	Interrupting or stopping work to put on or attach to clothing, post and/or distribute union campaign material.	9	0	0
5	Administrative bans.	9	0	0
6	An unlimited number of work stoppages of up to 24 hours duration or shorter periods of time.	9	0	0
7	Stopping work for up to 10 minutes duration to explain to clients and patients and visitors to the employer the purpose of the protected industrial action.	9	0	0
8	Interrupting and/or stopping work to write temporary messages about the EBA campaign on Diabetes Victoria communication	9	0	0

channels.

9	Interrupting and/or stopping work to add EBA campaign messages to email signatures and screen savers.	9	0	0
10	Interrupting and/or stoppages of work of up to one hour per occasion to communicate with the media, post photos, change their background on electronic communication on Zoom or Microsoft Teams or write a message on social media about issues related to enterprise bargaining.	9	0	0
11	A ban on working overtime directed by Diabetes Victoria	9	0	0
12	A ban on working beyond or outside ordinary starting and finishing times at Diabetes Victoria.	9	0	0
13	A ban on any response to any work related emails or communication to or from Diabetes Victoria.	9	0	0
14	A ban or limitation on receiving or responding to any telephone calls from the hotline run or managed by Diabetes Victoria.	9	0	0
15	A ban or limitation on attendance at and participation at any camps run by Diabetes Victoria or attending conferences or sessions for clients of Diabetes Victoria.	9	0	0

I declare that:

- The requisite number of voters (at least 50%) voting in the protected action ballot was achieved.
- The majority of voters who cast a valid vote were in favour of the action set out in question(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15.
- The majority of voters who cast a valid vote were against the action set out in question(s) N/A.

Kaye Bartlett
Returning Officer
Delegate of the Ballot Agent
Australian Electoral Commission
31/05/2023

Email: PAEvents@aec.gov.au phone: 02 9375 6366 or 03 9285 7111

www.aec.gov.au