

20 June 2022

Post-election report

The Pharmacy Guild of Australia
Australian Capital Territory Branch
Insufficient Nominations election
E2021/223

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Election(s) Covered in this Report

Organisation: PGA - Australian Capital Territory Branch
Election: Insufficient Nominations
Election Decision No/s: E2021/223

Rules

Rules used for the election: [175V: Incorporates alterations of 17 January 2020 [R2019/122]] replaces rulebook dated 6 November 2017

Rules difficult to apply/interpret: **Conflicting rules 26(ii) & 76(j)**
The Returning Officer determined that the roll would close 14 days before nominations open in accordance with rule 26(ii). Firstly rule 76(j) cannot be used as it would not be possible to identify who is financial on the day of the count and secondly, rule 26(ii) aligns with the intention of section 143 of the *Fair Work (Registered Organisations) Act 2009*.

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

Method of lodgement of nominations

Rules specifying the method of lodgement of nominations were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for potential candidates to nominate. Instead, nominations were received electronically, via email.

Eligibility to vote

Rule 26(ii) and Rule 76(j) conflict – the Returning Officer determined that the roll would close 14 days before nominations open, and members eligible to be on the Roll of Voters at that time would be eligible to vote in the election.

Rule 26(ii) states the Roll of Voters closes 14 days before nominations opening.

Rule 76(j) states votes cast by members who are not financial in accordance with the Constitution on the day the votes are counted and not valid will be disregarded.

- After the cut-off date (roll close), the roll of voters can only be changed to correct errors (section 143(6)), and to remove the names of persons who have ceased to be members of the organisation.
- A member who was financial on the Roll of Voters cut-off date (roll close), and therefore eligible on that date, but who subsequently becomes unfinancial after the roll of voters cut-off date (roll close), should not be deleted from the roll of voters unless the person ceases to be a member of the organisation.

The Pharmacy Guild of Australia in its response to the Post Election Report for E2020/35 advised that it proposes to amend rule 76(j) so it is consistent with rule 26(ii).

Signed

Ann Dougan
Returning Officer
Australian Electoral Commission
E: IEBevents@aec.gov.au
P: 03 9285 7177
20 June 2022

Attachments

A. Declaration of results for Uncontested Offices – Stage 1

B. Declaration of Results for Uncontested Offices – Stage 2

The Pharmacy Guild of Australia
PGA - Australian Capital Territory Branch
DECLARATION OF RESULTS - E2021/223 - Stage 2
Uncontested Offices

Insufficient Nominations 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:

Australian Capital Territory Branch

Branch Vice President (1)

Candidates

No Nominations Received

Kathleen Cassar
Returning Officer
Telephone: 0413 271 716
Email: IEBevents@aec.gov.au
17/06/2022





12 April 2022

Ann Dougan
Returning Officer
Australian Electoral Commission
Email: IEEvents@aec.gov.au

Dear Ann Dougan

Response to Post-election Report (E2021/206)

I refer to the Post-election Report issued by the Australian Electoral Commission (AEC) dated 11 April 2022 regarding elections for The Pharmacy Guild of Australia (E2021/206). In this report reference is made to the following rules that are considered by the AEC to be difficult to apply and/or interpret. A response is also set out below.

Conflicting rules 26(ii) & 76(j) – The Returning Officer determines that the role will close 14 days before nominations open in accordance with rule 26(ii) for two reasons: 1) rule 76(j) cannot be put into place...it will not be possible to identify who is financial on the day of the count and 2) rule 26(ii) aligns with the intention of section 143.

The Guild agrees that rules 26(ii) and 76(j) are contradictory in that rule 26(ii) indicates that the rolls for eligible voters closes 14 days prior to the day on which nominations for the elections open and that rule 76(j) states that votes cast by members that are not financial on the day the votes are counted are not valid and should be disregarded. The Guild also agrees that rule 26(ii) is consistent with section 143 of the *Fair Work (Registered Organisations) Act 2009*.

The Guild proposes to amend rule 76(j) so that it becomes consistent with rule 26(ii), that is, clarify that the rolls for eligible voters closes 14 days prior to the day on which nominations for the elections open.

Yours sincerely

Chris Owen
National Councillor
Vice President Finance

The Pharmacy Guild of Australia
Australian Capital Territory Branch
DECLARATION OF RESULTS - E2021/223 - Stage 1
Uncontested Offices

Insufficient Nominations 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:

Australian Capital Territory Branch

Branch Committee Member (1)

Candidates

IBRAHIM Nader

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

Ann Dougan
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
08/04/2022



11 April 2022

Post-election report

The Pharmacy Guild of Australia

Tasmania Branch

Insufficient Nominations election

E2021/222

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Election(s) Covered in this Report

Organisation: PGA - Tasmania Branch
Election: Insufficient Nominations
Election Decision No/s: E2021/222

Rules

Rules used for the election: [175V: Incorporates alterations of 17 January 2020 [R2019/122]]
replaces rulebook dated 6 November 2017

Rules difficult to apply/interpret: **Conflicting rules 26(ii) & 76(j)) - The Returning Officer determines that the roll will close 14 days before nominations open in accordance with rule 26(ii) for two reasons: 1) rule 76(j) cannot be put into place...it will not be possible to identify who is financial on the day of the count and 2) rule 26(ii) aligns with the intention of section 143.**

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

Method of lodgement of nominations

Rules specifying the method of lodgement of nominations were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for potential candidates to nominate. Instead nominations were received electronically, via email.

Eligibility to vote

Rule 26(ii) and Rule 76(j) conflict – the Returning Officer determines that the roll closes 14 days before nominations open, and members eligible to be on the roll of voters at that time shall be eligible to vote in the election.

Rule 26(ii) roll of voters closes 14 days before nominations opening,
Rule 76(j) votes cast by members who are not financial in accordance with the Constitution on the day the votes are counted and not valid and shall be disregarded.

- After the cut-off date (roll close), the roll of voters can only be changed to correct errors (section 143(6)), and to remove the names of persons who have ceased to be members of the organisation.
- A member who was financial on the roll of voters cut-off date (roll close), and therefore eligible on that date, but who subsequently becomes unfinancial after the roll of voters cut-off date (roll close), should not be deleted from the roll of voters unless the person ceases to be a member of the organisation.

The Pharmacy Guild of Australia in its response to the Post Election Report for E2020/35 has advised that it proposes to amend rule 76(j) so it is consistent with rule 26(ii).

Signed

Ann Dougan
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 03 9285 7111
11 April 2022

Attachments

A. Declaration of results for Uncontested Offices – Tas

The Pharmacy Guild of Australia
Tasmania Branch
DECLARATION OF RESULTS - E2021/222
Uncontested Offices

Insufficient Nominations 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:

Tasmania Branch

Branch Vice President (1)

Candidates

MUIR WILSON Jack

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

Ann Dougan
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
08/04/2022



11 April 2022

Post-election report

The Pharmacy Guild of Australia

Northern Territory Branch

Insufficient Nominations election

E2021/206

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Election(s) Covered in this Report

Organisation: PGA - Northern Territory Branch
Election: Insufficient Nominations
Election Decision No/s: E2021/206

Rules

Rules used for the election:	[175V: Incorporates alterations of 17 January 2020 [R2019/122]] replaces rulebook dated 6 November 2017
Rules difficult to apply/interpret:	Conflicting rules 26(ii) & 76(j)) - The Returning Officer determines that the roll will close 14 days before nominations open in accordance with rule 26(ii) for two reasons: 1) rule 76(j) cannot be put into place...it will not be possible to identify who is financial on the day of the count and 2) rule 26(ii) aligns with the intention of section 143.
Model Rule reference (if any):	N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Other Matters

Returning Officer actions required (Section 193): Yes
Details:

Method of lodgement of nominations

Rules specifying the method of lodgement of nominations were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for potential candidates to nominate. Instead nominations were received electronically, via email.

Eligibility to vote

Rule 26(ii) and Rule 76(j) conflict – the Returning Officer determines that the roll closes 14 days before nominations open, and members eligible to be on the roll of voters at that time shall be eligible to vote in the election.

Rule 26(ii) roll of voters closes 14 days before nominations opening,
Rule 76(j) votes cast by members who are not financial in accordance with the Constitution on the day the votes are counted and not valid and shall be disregarded.

- After the cut-off date (roll close), the roll of voters can only be changed to correct errors (section 143(6)), and to remove the names of persons who have ceased to be members of the organisation.

- A member who was financial on the roll of voters cut-off date (roll close), and therefore eligible on that date, but who subsequently becomes unfinancial after the roll of voters cut-off date (roll close), should not be deleted from the roll of voters unless the person ceases to be a member of the organisation.

The Pharmacy Guild of Australia in its response to the Post Election Report for E2020/35 has advised that it proposes to amend rule 76(j) so it is consistent with rule 26(ii).

Signed

Ann Dougan
Returning Officer
Australian Electoral Commission
E: IEBevents@aec.gov.au
P: 03 9285 7111
11 April 2022

Attachments

A. Declaration of results for Uncontested Offices – NT

The Pharmacy Guild of Australia
Northern Territory Branch
DECLARATION OF RESULTS - E2021/206
Uncontested Offices

Insufficient Nominations 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:

Northern Territory Branch

Alternate National Councillor (1)

Candidates

INNES Alexis

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

Ann Dougan
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
08/04/2022





DECISION

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

The Pharmacy Guild of Australia
(E2021/206, E2021/222, E2021/223)

MS BEBBINGTON

MELBOURNE, 17 DECEMBER 2021

Arrangement for conduct of election.

[1] On 16 November 2021, 3 December 2021 and 14 December 2021 the Pharmacy Guild of Australia lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices for the remainder of term. The election is required due to insufficient nominations received in a previous scheduled election (**E2020/35**) and a subsequent insufficient nominations election (**E2021/7**):

Northern Territory Branch

Alternate National Councillor (1)

Australian Capital Territory Branch

Branch Vice President (1)

Branch Committee Member (1)

Tasmania Branch

Branch Vice President (1)

[2] I am satisfied that an election for the abovenamed office 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

Printed by authority of the Commonwealth Government Printer
PR352110

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, Christopher Owen, being the National Vice President (Finance) of The Pharmacy Guild of Australia make the following statement:

1. I am authorised to sign this statement containing prescribed information for The Pharmacy Guild of Australia.
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. Insufficient nominations were received in earlier elections and the declarations of results are attached.
5. No rule alterations are pending that will impact the election.

Signed:

A handwritten signature in black ink, appearing to read 'Chris Owen', written in a cursive style.

Christopher Owen

National Vice President (Finance)

Dated: 16/11/2021

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
NT	Alternate National Councillor	1	Direct Voting System	Insufficient nominations	All financial members of the NT Branch (Rules 76(h) and 74(j)(iii))

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by the returning officer	N/A
Nominations CLOSE	Not less than 14 days post the opening of nominations (Rule 76(g)(i))	N/A
Roll of Voters cut off date	14 days prior to the day in which nominations open (Rule 26)	N/A

The Pharmacy Guild of Australia
Northern Territory Branch
DECLARATION OF RESULTS - E2020/35 - Stage 2
Uncontested Offices

Scheduled 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:

Northern Territory Branch

Branch Vice President (2)

Candidates

MARSHALL Adrian

STEWART Darryl James

Alternate National Councillor (1)

Candidates

No Nominations Received

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



Michael Clarke
Returning Officer
Telephone: 02 9375 6301
Email: IEEvents@aec.gov.au
15/12/2020



The Pharmacy Guild of Australia
DECLARATION OF RESULTS - E2021/7
Uncontested Offices

Insufficient Nominations 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:

Australian Capital Territory Branch

Branch Committee Member (1)

Candidates

No Nominations Received

Branch Vice President (1)

Candidates

No Nominations Received

Tasmania Branch

Branch Vice President (1)

Candidates

No Nominations Received

Northern Territory Branch

Alternate National Councillor (1)

Candidates

No Nominations Received

As there were no nominations received for any of the above positions, I declare that all positions remain vacant.



Michael Clarke
Returning Officer
Telephone: 02 9375 6301
Email: IEEvents@aec.gov.au
01/09/2021

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, Christopher Owen, being the National Vice President (Finance) of The Pharmacy Guild of Australia make the following statement:

1. I am authorised to sign this statement containing prescribed information for The Pharmacy Guild of Australia.
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. Insufficient nominations were received in earlier elections and the declarations of results are attached.
5. No rule alterations are pending that will impact the election.

Signed:

A handwritten signature in black ink, appearing to read 'Chris Owen', written in a cursive style.

Christopher Owen

National Vice President (Finance)

Dated: 14/12/2021

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
TAS	Branch Vice President	1	Direct Voting System	Insufficient nominations	All financial members of the TAS Branch (Rules 76(h) and 74(j)(iii) and 62a)

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by the returning officer	N/A
Nominations CLOSE	Not less than 14 days post the opening of nominations (Rules 74(g)(ii) and 76(g)(i))	N/A
Roll of Voters cut off date	14 days prior to the day in which nominations open (Rule 26)	N/A

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, Christopher Owen, being the National Vice President (Finance) of The Pharmacy Guild of Australia make the following statement:

1. I am authorised to sign this statement containing prescribed information for The Pharmacy Guild of Australia.
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. Insufficient nominations were received in earlier elections and the declarations of results are attached.
5. No rule alterations are pending that will impact the election.

Signed:

A handwritten signature in black ink, appearing to read 'Chris Owen', written in a cursive style.

Christopher Owen

National Vice President (Finance)

Dated: 3/12/2021

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
ACT	Branch Committee Member	1	Direct Voting System	Insufficient nominations	All financial members of the ACT Branch (Rule 74(b)(i))
ACT	Branch Vice President	1	Direct Voting System	Insufficient nominations	All financial members of the ACT Branch (Rules 76(h) and 74(j)(iii) and 62a)

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by the returning officer	N/A
Nominations CLOSE	Not less than 14 days post the opening of nominations (Rules 74(g)(ii) and 76(g)(i))	N/A
Roll of Voters cut off date	14 days prior to the day in which nominations open (Rule 26)	N/A

The Pharmacy Guild of Australia
DECLARATION OF RESULTS - E2021/7
Uncontested Offices

Insufficient Nominations 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:

Australian Capital Territory Branch

Branch Committee Member (1)

Candidates

No Nominations Received

Branch Vice President (1)

Candidates

No Nominations Received

Tasmania Branch

Branch Vice President (1)

Candidates

No Nominations Received

Northern Territory Branch

Alternate National Councillor (1)

Candidates

No Nominations Received

As there were no nominations received for any of the above positions, I declare that all positions remain vacant.



Michael Clarke
Returning Officer
Telephone: 02 9375 6301
Email: IEEvents@aec.gov.au
01/09/2021