

PR955222

*Workplace Relations Act 1996*  
s.189 of Schedule 1B - arrangement for conduct of an election

**The Master Grocers' Association of Victoria Limited**  
(E2005/20)

NICHOLAS WILSON  
INDUSTRIAL REGISTRAR

MELBOURNE, 25 JANUARY 2005

*Arrangement for conduct of election.*

**DECISION**

[1] On 20 January 2005, the abovenamed organisation lodged in the Industrial Registry the prescribed information in relation to an election for the following offices:

President	<i>(due to insufficient nominations received at previous election)</i>
Vice-President	<i>(due to insufficient nominations received at previous election)</i>

[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 Schedule 1B of the Workplace Relations Act 1996, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



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The Industrial Registrar  
Australian Industrial Relations Commission  
Nauru House,  
80 Collins Street,  
Melbourne.  
20/01/05

Dear Sir,

**Election of President and Vice President – Master Grocers Association of Victoria (“MGAV”)**

As an Organisation registered under the *Workplace Relations Act 1996* (the “Act”) we hereby request that arrangements be made for the conduct of a second election for the positions of President and Vice President by the Australian Electoral Commission under s 189 of *Schedule 1B (Registration and Accountability of Organisations)* of the Act (“RAO Schedule”).

We furnish the attached information received from MGAV legal advisors, Abbott, Stillman, Wilson and request that the A.I.R.C. advise the MGAV on the most appropriate course of action at this stage.

Yours faithfully

Jennifer Flanagan  
CEO

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 Your ref:

19 January 2005

Ms Jennifer Flanagan  
 Executive Officer  
 Master Grocers' Association of Victoria  
 by email: [jennifer@mgav.com.au](mailto:jennifer@mgav.com.au)

Dear Jenny

### ELECTION OF PRESIDENT AND VICE PRESIDENT

We have been asked to advise you on the legal position as a consequence of the failure of any person to nominate for the positions of President and Vice President of the Association and consequently the "failure" of the election.

We understand the background facts are as follows:

1. The Constitution of MGAV (Rule 24.2) requires that the Board must elect a President and Vice President annually.
2. Mr Geoff Gledhill, as the sole candidate was elected President of Master Grocers' Association of Victoria ("MGAV") at the closing date for nominations on 23 December 2003 pursuant to an election conducted by the Australian Electoral Commission ("the Commission") under Rule 24.2(a) read with Rule 25 of the Constitution of MGAV.
3. Mrs Jean Cowley was elected Vice President of MGAV at the closing date for nominations on 23 December 2003 pursuant to an election conducted by the Commission under 24.2(b) read with Rule 25 of the Constitution of MGAV.
4. Rule 24.3 provides that the President and the Vice President cannot hold office for more than 14 months.
5. At the meeting of directors immediately following the Annual General Meeting of MGAV held at 2pm on 23 November 2004 the directors appointed Mr Geoff Gledhill to be the acting President and Mrs Jean Cowley to be the Acting Vice President pending the declaration of the result of an election to be held for the position of President and Vice President.

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**Ms Jennifer Flanagan**  
**Master Grocers' of Victoria**

19 January 2005

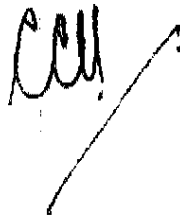
6. The Commission duly attempted to conduct a ballot for the positions of President and Vice President in accordance with Rule 25 of the Constitution but could not do so as no nominations were received from candidates offering themselves for election.
7. The Commission wrote to you, as Executive Officer, to advise that a ballot would not be necessary and stated further "The Election is now complete". The accompanying "Declaration of Results for Uncontested Officers" recorded that there had been no nomination received for President nor for Vice President.

In our view until an election is conducted by the Commission whereby directors duly elect a President and Vice President, the Acting President and Vice President shall continue to hold those positions in an acting capacity. This is in accordance with Rule 24.5 of the Constitution of MGAU. Because the Constitution clearly did not envisage that no person would nominate for these positions, it only has a time limit on the period during which the Acting President and Acting Vice President will hold office, i.e. until the board elects a President and a Vice President.

That is the legal position although it is in a sense an unsatisfactory one as Mr Gledhill and Mrs Cowley will continue as Acting President and Vice President respectively and will have to be continuously referred to as Acting President and Acting Vice President.

We suggest that you should address a further letter to the Commission suggesting to them that it may be appropriate to again call for nominations for President and Vice President so that the Commission can conduct a further ballot among directors for the election of a President and a Vice President.

Yours sincerely



Colin Hiles  
**PARTNER**  
**ABBOTT STILLMAN & WILSON**

**MASTER GROCERS ASSOCIATION OF VICTORIA  
ELECTION OF PRESIDENT AND VICE PRESIDENT**

**DECLARATION OF RESULTS FOR UNCONTESTED AND  
CONTESTED OFFICES**

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2005/20

Total number of persons on the roll of voters	8
Ballot papers issued	8
Duplicate ballot papers issued	0
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>8</b>
Ballot papers / envelopes returned for scrutiny	7
Less ballot papers / envelopes rejected at preliminary scrutiny	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>7</b>
Percentage of ballot papers returned to number issued	87%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	1

**VICE-PRESIDENT**

<u>Candidates</u>	<u>Votes</u>
COWLEY, Jean	6
GLEDHILL, Geoff	1
Total votes	7
Formal ballot papers	7
Informal ballot papers	0

I declare Jean Cowley elected.

**PRESIDENT**

Candidate  
ALLEN, Rod

I declare Rod Allen elected.

Tony King  
Returning Officer  
Australian Electoral Commission  
8 March 2005