

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

The Pharmacy Guild of Australia
(E2005/200)

T. NASSIOS
DEPUTY INDUSTRIAL REGISTRAR

MELBOURNE, 3 NOVEMBER 2005

Arrangement for conduct of election.

DECISION

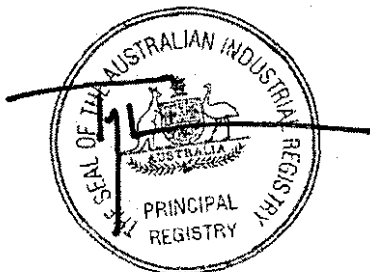
[1] On 20 and 25 October 2005, the abovenamed organisation lodged in the Industrial Registry prescribed information in relation to an election for the following offices:

Queensland Branch

National Vice President representing Queensland Branch

Branch Committee Member – Wide Bay District

[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.





The PHARMACY GUILD of AUSTRALIA
NATIONAL PRESIDENT

20 October 2005

2005/2006

Industrial Registrar
Australian Industrial Registry
Nauru House
GPO Box 1994S
MELBOURNE VIC 3001

Attention: Mr Robert Pfeifer – Statutory Services Branch
Mr Shane Ellard – Statutory Services Branch

Dear Sir

I refer to Mr William Scott's (National Vice President) letter of 13 October 2005 concerning a request for some additional Guild Committee elections.

In compliance with the provisions of Section 189(1) and Regulation 138 of the RAO Schedule of the Workplace Relations Act 1996, The Pharmacy Guild of Australia submits the following information.

Nominations will be required to be called during the period commencing 25 October 2005 for the following Guild Office Bearers

National Vice President – Representing the Queensland Branch AR 2005/160

The reasons for the election is that at the close of nominations for the Offices of National Vice Presidents no nomination was received from the eligible Queensland National Councillor elect (see copy of Returning Officer's Report dated 13 October 2005 attached).

Rules 55B relate to the election of National Vice Presidents (see copy attached). In accordance with the Constitution the election for the Office of National Vice President will be conducted by ordinary secret ballot (Rule 55B(k)(iii)(iv) and (v)) and we would be obliged if you will arrange for the election to be conducted by the Australian Electoral Commission – Canberra.

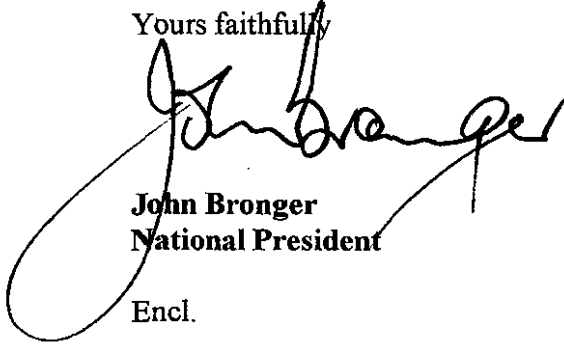
Suggested dates for the elections are as set out below:

Nominations
National Vice President

Date Opening
25 October 2005

Date Closing
15 November 2005

Yours faithfully

A large, stylized handwritten signature in black ink, appearing to read 'John Bronger', is written over the typed name and title.

John Bronger
National President

Encl.

CC: Mr JW Bronger Mr KS Sclavos Ms R Ede
Mr S Greenwood Mr J Howarth Ms C Nelson

GPO Box 1824
Canberra ACT 2601

1st Floor
Jacobs House
8-10 Hobart Place
Canberra City ACT 2601

Reference: ACT 05/220

Contact: Jeff Howarth
Phone: (02) 6249 7908
Facsimile: (02) 6248 7559
E-mail: jeff.howarth@aec.gov.au

Mr Stephen Greenwood
Executive Director
The Pharmacy Guild of Australia
PO Box 7036
CANBERRA BUSINESS CENTRE ACT 2610

Dear Stephen

**The Pharmacy Guild of Australia
National Elections 2005
E2005/157**

I have accepted nominations in the above election from those members whose names are included in the attachment. If an office is identified as being contested a ballot will be necessary.

The order of names on the ballot paper will be the same as the order shown on the attachment
Scrutiny of ballot papers will be held in this office at 10.00 am on the day after the ballots close.

Candidates may appoint scrutineers to represent them during the course of the election. Any such appointment must be advised to me in writing. Scrutineers should contact me if they wish to be present at any stage of the ballot including the scrutiny. Scrutineers must produce a letter of authority or suitable identification on their initial introduction to me or my staff. Absence of a scrutineer will not delay any step in the election.

A list of members of the organisation qualified to vote is available to members for inspection or copying.

The ballot for the office of National President will open on 27 September 2005 and close at 5:00pm on Tuesday, 11 October 2005.

The ballot for the office of National Vice-President (New South Wales Branch) will open on 20 October 2005 and close at 5.00 pm on 3 November 2005.

Yours sincerely

Jeff Howarth
Returning Officer

21 September 2005

cc: all candidates

NOMINATIONS ACCEPTED LISTING

THE PHARMACY GUILD OF AUSTRALIA NATIONAL ELECTIONS 2005

E2005/157

File Number: ACT 05/220

Returning Officer: Jeff Howarth

Nominations in the above election closed at 5:00pm on Tuesday, 13 September 2005. The following nominations have been accepted. Where an office is identified as contested a ballot will be necessary. Candidates' names will appear on the ballot papers in the order shown.

National

Office: National President
No. of positions: 1
No. of nominees: 3
Contested: Yes

Todd, Ian
Sclavos, Kos
Dowling, John

Office: National Vice-President ACT Branch
No. of positions: 1
No. of nominees: 1
Contested: No

Reid, Patrick

Office: National Vice-President New South
Wales Branch
No. of positions: 1
No. of nominees: 2
Contested: Yes

Banks, Silas Bell
Dornan, John Hugh Michael

Office: National Vice-President Northern
Territory Branch
No. of positions: 1
No. of nominees: 1
Contested: No

Marshall, Ian

Office: National Vice-President Queensland
Branch
No. of positions: 1
No. of nominees: 0
Contested: No

None

Office: National Vice-President South
Australian Branch
No. of positions: 1
No. of nominees: 1
Contested: No

Todd, Ian

Office: National Vice-President Tasmanian
Branch
No. of positions: 1
No. of nominees: 1

Dowling, John

Contested: No

Office: National Vice-President Victorian
Branch

No. of positions: 1

No. of nominees: 1

Contested: No

Sanghvi, Dipak Rajnikant

Office: National Vice-President Western
Australian Branch

No. of positions: 1

No. of nominees: 1

Contested: No

Zafer, Harold Denis

Jeff Howarth
Returning Officer

21 September 2005

DIVISION VII - ELECTIONS

55A: DIRECTIONS FOR VOTING

- (i) 'PREFERENTIAL VOTING'. The voter shall place the number '1' in the square opposite the name of the candidate for whom he wishes to vote as his first preference then place the numbers 2, '3', '4' and so on as appropriate in the squares opposite the names of the remaining candidates in order of preference. A consecutive number must be placed in each square commencing with the number '1' otherwise the ballot paper will be rejected as informal.
- (ii) 'ORDINARY SECRET BALLOT'. The voter shall place 'x' in the square opposite the name(s) of the candidate(s) for whom he wishes to vote. A vote for more or less candidates than the number of vacancies will be rejected as informal

55B: ELECTIONS OF OFFICE BEARERS OF THE NATIONAL COUNCIL

- (a) Any pharmacist who is a financial member of the Guild and has been elected a member of the National Council in accordance with an announcement of a Returning Officer but has not yet assumed office (hereafter called a "Councillor elect") may be nominated for:
 - (i) the office of National President,
 - (ii) the office of National Vice-President of whom there shall be one from each Branch,

these officers shall be nominated by and elected from the Councillors elect except that where a Branch is only entitled to one National Councillor in accordance with the provisions of Rule 76. The person who has been elected Branch President/National Councillor shall be deemed to have also been elected National Vice President.

- (b)
 - (i) The same person may be nominated for the office of National President and National Vice-President but he may not hold more than one office at the same time.
 - (ii) A person who has been elected Branch President/National Councillor shall be eligible to be nominated for the office of National President or National Vice President provided that if he is elected to the office of National President, he shall be deemed to have resigned the office of Branch President.

- (c) If only one person is nominated for the office of National President and he is also nominated for the position of National Vice President under this rule, the latter nomination shall lapse.
- (d) If two or more persons be nominated for the office of National President, and should any of them be also nominated for the position of National Vice-President, a ballot for the office of National President shall be conducted first followed by a separate ballot for the offices of National Vice-President, from which the name of the elected President, if so nominated, shall be omitted. The ballot for the office of National President shall be conducted using the 'Preferential Voting' system set out in Rule 55A(i).
- (e) Should two or more Councillors Elect from one Branch be nominated for the office of National Vice-President there shall be an ordinary secret ballot conducted of all Councillors Elect in accordance with the directions for voting in Rule 55A(ii). Should there be a tied vote for any position the result shall be determined by lot.
- (f) From 1996 the office bearers specified in sub-rule (a) above shall hold office for three years or until the successors in office have been declared elected, commencing on the first day of the annual National Council meeting in the year of election and completing the term on the day preceding the annual National Council meeting three years later provided that where the number of Vice-Presidents as specified under Rule 55B (a) (ii) is increased during a three year term of office, nominations for the additional office of Vice-President shall be called in accordance with Rule 55B(i). Should more than one nomination for the additional office of Vice-President be received an election for the office will be conducted in accordance with Rules 55B (j) to (n) mutatis mutandis.

The person so elected to the additional office of Vice-President shall take office immediately the election process is completed and shall hold office for the unexpired portion of the current term of office of the other office bearers elected in accordance with Rule 55B(a).

- (g) If a casual vacancy occurs in the office of National President or of a National Vice-President the National Council shall appoint a member of National Council to fill such casual vacancy and the National Councillor so appointed shall hold office for the unexpired portion of the term of office, provided that -
 - (i) Where the unexpired portion of the term of office is more than 18 months an election shall be held to fill such casual vacancy pursuant to rule 55B.

- (ii) In the case of a casual vacancy occurring in the office of National Vice-President the person nominated or elected to fill such casual vacancy shall be from the same Branch as the Branch of which the person who previously held the office was a member.

- (h) When the National President has been elected, the alternate National Councillor first named in that Branch in accordance with Rule 76(a) whose Councillor has been elected National President shall become a National Councillor during tenure of the office by the National President so elected and shall be eligible to be nominated for election to fill a casual vacancy in an office during his term as National Councillor except that where the person elected as National President had been elected to the office of Branch President the person elected to replace him as Branch President, if not already elected as a member of National Council, shall become a National Councillor.

- (i) (i) Nominations for elections of office bearers specified in sub-rule (a) of this Rule shall be called for by the Returning Officer by a notice sent to each Councillor Elect accompanied by a nomination paper not less than 14 days prior to the closing of nominations. Nomination papers shall not be recognised unless they contain the signature of the nominee (who must sign a statement on the form agreeing to accept the office if elected) and the signatures of two Councillors Elect supporting such nomination. The Returning Officer may accept a facsimile of a nomination form which has been completed in the prescribed manner, provided that the duly completed original nomination form is received by the Returning Officer within 7 days after the close of nominations. The date of closing nominations shall be fixed by the Returning Officer provided that such date shall not be less than 21 days prior to the date of closing of the ballot for the proposed election. Nomination papers completed as required shall be posted or sent by facsimile to be received by the Returning Officer within the time fixed.

- (ii) A nominee shall be entitled by notice in writing to the Returning Officer signed by the nominee, to withdraw his nomination within seven days after the close of nominations. Such notice may be by post or facsimile.

- (j) The Returning Officer not being the holder of any other office in, and not being an employee of the Guild shall receive nominations of candidates for election (including acceptance and rejection of nominations) and prepare and distribute ballot papers and conduct a secret ballot.

Where the Returning Officer conducting such an election finds a nomination paper to be defective he shall, before rejecting a nomination, notify the person/persons concerned of the defect and, where it is practicable to do so, give him the opportunity of remedying the defect within 7 days after being so notified.

When the ballot has been completed, the Returning Officer shall count the votes cast for each candidate. Each candidate, at his own cost, shall have the right to appoint a scrutineer who is not a candidate for election from among the financial members of the Guild to observe the conduct of the ballot and the count of votes.

Notification in writing of the appointment of a scrutineer must be in hands of the Returning Officer at least seven days prior to the closing of the ballot. A scrutineer shall be entitled to be present while the Returning Officer carries out his functions. He may direct the attention of the Returning Officer to any irregularity concerning the issue of ballot papers, the admission of any envelope to scrutiny, the admission of a ballot paper as formal or the rejection of a ballot paper as informal. A scrutineer shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election. In every case the scrutineer shall observe any direction given by the Returning Officer and the Returning Officer shall take all reasonable steps by notification or otherwise to enable such scrutineer to exercise his rights but no election shall be vitiated by reason of the fact that a scrutineer does not exercise any or all such rights.

- (k) (i) The Returning Officer shall provide a locked ballot box for the receipt of the ballot papers which shall not be opened prior to the close of the ballot and until the commencement of the counting of the votes.
- (ii) The election for the office of National President shall be conducted by a 'Preferential Voting' system as set out in Rule 55A (i) and the ballot paper showing the names of the candidates in order of surnames determined by lot by the Returning Officer shall be in or to the effect of Form 18.
- (iii) The election for the office(s) of National Vice President shall be conducted by 'Ordinary Secret Ballot' as set out in Rule 55A(ii) and the ballot paper showing the names of the candidates in order of surnames determined by lot by the Returning Officer shall be in or to the effect of Form 19.

- (iv) The Returning Officer shall post by prepaid ordinary post to each Councillor Elect entitled to vote, a ballot paper unnumbered and unmarked save for the initials of the Returning Officer (which initials shall be placed by the Returning Officer on each ballot paper posted). With each ballot paper the Returning Officer shall place an envelope on which shall be printed the words 'place ballot paper only in this envelope' and also a reply paid envelope addressed to the Returning Officer. The last mentioned envelope shall make provision on the reverse side for the signature of the Councillor Elect. A 'Directions for Voting' sheet which shall be in or to the effect of Form 20 for the ballot for National President or Form 21 for the ballot for National Vice President(s) shall accompany each ballot paper posted.
- (v) Ballot papers and other required documents which may include a short personal statement of no more than 200 words by the candidates, which shall be provided at their expense, shall be forwarded to the Councillors elect at least 14 days prior to the close of the ballot. The personal statement must be lodged with the Returning Officer no later than seven days after the close of nominations.
- (l) (i) As soon as practicable after the close of the ballot the Returning Officer shall cause the ballot box to be opened and the votes to be counted, in the presence of the scrutineers, if any. Votes cast by Councillors Elect who are not financial members of the Guild in accordance with the Constitution on the day the votes are counted shall be disregarded.
- (ii) 'PREFERENTIAL VOTING' for the election of the National President
 - (A) The votes cast for each candidate shall be in accordance with Rule 55A(i).
 - (B) A candidate who has received a number of first preference votes greater than half the total number of formal voting papers (ie. an absolute majority) shall thereupon be eligible to be declared elected.
 - (C) If no candidate has received an absolute majority of first preference votes, the Returning Officer shall proceed as follows:

- (a) the candidate who receives the fewest first preference votes shall be excluded and each voting paper counted to him shall be counted to the candidate next in order of the voters preference provided that where the least number of first preference votes is received by two or more candidates the candidate with the lesser number of votes at the previous stage of the count is eliminated and his second preference votes distributed to the remaining candidate except that where there has been no previous count the candidate to be eliminated shall be determined by lot,
 - (b) then if no candidate has an absolute majority of votes, the process shall be repeated until one candidate has received an absolute majority of votes and is then eligible to be declared elected.
- (iii) 'ORDINARY SECRET BALLOT' for the election of National Vice Presidents
- (A) The votes cast for the office of National Vice President shall be in accordance with Rule 55A(ii).
 - (B) The candidate(s) who receive the highest number of votes for each position shall be deemed to be elected. Where two or more candidates receive an equal number of votes for a vacancy the result shall be determined by lot.
 - (C) if any candidate for election shall, after the receipt of nominations and prior to the declaration of the ballot cease to be eligible for election as an office bearer, then the Returning Officer shall subject to the Act be empowered to take such circumstances into account in the conduct of the election.
- (m) (i) The Returning Officer shall notify the candidates and the Executive Director in writing of the result of the ballot as soon as practicable after all counting has been completed and the results determined.
- (ii) The Executive Director or a person nominated by the Chairman of the meeting shall read the notice from the Returning Officer officially declaring the election of office bearers of the National Council for the ensuing term at the commencement of the Annual Meeting of the National Council immediately following the election except that where the election is to fill a casual vacancy in an office of Vice President during a three year term of office the poll shall be officially declared

upon the Returning Officer notifying the Executive Director in writing of the result of the ballot.

- (n) Upon completion of the counting all such ballot papers and other papers and documents used in connection with the election shall be suitably parcelled up and sealed and retained by the Returning Officer as required by law.



FAXED
25-10-05

The PHARMACY GUILD of AUSTRALIA
NATIONAL PRESIDENT

25 October 2005

Industrial Registrar
Australian Industrial Registry
Nauru House
GPO Box 1994S
MELBOURNE VIC 3001

Attention: Mr Robert Pfeifer – Statutory Services Branch
Mr Shane Ellard – Statutory Services Branch

Dear Sir

In compliance with the provisions of Section 189(1) and Regulation 138 of the RAO Schedule of the Workplace Relations Act 1996, The Pharmacy Guild of Australia submits the following information.

Nominations will be required to be called during the period commencing 1 November 2005 for the following Guild Office Bearer

Branch Committee Member for the Wide Bay District of the Queensland Branch Committee.

The reason for the election is as follows:

Branch Committee Person – Queensland Branch Committee 2005/160

The current Branch Committee Person Mr Neil Anderson passed away Saturday 22 October 2005 leaving a casual vacancy on the Branch Committee for that district.

Rule 75 of the Guild's Constitution relate to the nomination of candidates for election (see copies attached). In accordance with the Constitution the elections will be conducted under a direct voting system and I would be obliged if you will arrange for the elections to be conducted by the Australian Electoral Commission – Queensland. Suggested dates for the elections are as set out below:

Nominations
Branch Committee Person

Dates Opening
1 November 2005

Dates Closing
22 November 2005

Yours faithfully



John Bronger
National President

Encl.

CC: Mr JW Bronger Mr KS Sclavos
Mr S Greenwood Ms R Ede

- (iv) If any candidate for election shall, after the receipt of nominations, and prior to the declaration of the ballot cease to be eligible for election to the Branch Committee then the Returning Officer shall, subject to the Act be empowered to take such circumstances into account in the conduct of the election.
- (l) (i) The Returning Officer shall notify the candidates and the Branch Director in writing of the result of the ballot as soon as practicable after all counting has been completed and the results determined.
- (ii) The Branch Director or a person nominated by the Chairman of the meeting shall read the notification from the Returning Officer officially declaring the election of members of the Branch Committee for the ensuing term at the conclusion of the Annual General Meeting.
- (m) Upon completion of the counting all such ballot papers and other papers and documents used in connection with the election shall be suitably parcelled up and sealed and retained by the Returning Officer as required by law.

75: ELECTION OF COMMITTEE MEMBERS - DISTRICT SYSTEM

- (a) Where a Branch is divided into Districts as provided in Rule 61 the Branch Committee shall be elected on a District basis.
- (b) District representation on the Branch Committee in respect of any District shall be one or more members as determined by the Branch Committee.
- (c) It shall be competent for the Branch Committee to reconstitute any District or Districts.
- (d) A member from one District may nominate for election in another District, provided that a member may nominate in only one District at any one time, and further provided that he is nominated by two financial members from that District.
- (e) The rolls for eligible voters for Guild elections utilising the district system shall close 14 days prior to the day on which nominations for the elections open.

76: COMMITTEE - ELECTION OF OFFICE BEARERS

THE PHARMACY GUILD OF AUSTRALIA
 BRANCH
FORM NO 6A - RULE 75
NOMINATION FORM

Note to Prospective Candidates and Nominators. You should verify your financial status and any other qualifications required by your Organisation's rules prior to lodging nominations. The nominee must be nominated by AT LEAST TWO financial and eligible members of the DISTRICT.

We, the undersigned, do hereby nominate:

 (CANDIDATE'S NAME IN FULL - PLEASE USE BLOCK LETTERS)

for election to the office of: -----
 (a list of offices is shown on the reverse side of this form)

DISTRICT:

NOMINATOR'S FULL NAME -----
 DISTRICT: -----
 SIGNATURE: ----- DATE: ----- PHONE -----
 NOMINATOR'S FULL NAME -----
 DISTRICT: -----
 SIGNATURE: ----- DATE: ----- PHONE -----
 NOMINATOR'S FULL NAME -----
 DISTRICT: -----
 SIGNATURE: ----- DATE: ----- PHONE -----

CONSENT OF PERSON BEING NOMINATED

I, the undersigned being a registered pharmacist and a financial member of the Guild

 Branch being the person named herein as Nominee, do hereby consent to the above nomination.

CANDIDATE'S SIGNATURE ----- DATE -----
 ADDRESS (for correspondence): -----
 ----- POSTCODE ----- PHONE -----

(PRINT YOUR NAME AS YOU WISH IT TO APPEAR ON THE BALLOT PAPER)